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# **On Animal Rights, Speciesism, and the Nature of Social Change**

A thesis submitted in partial fulfillment of the requirements for the degree of Bachelor of Arts  
with Honors in Philosophy from the College of William and Mary.

by  
Delaney Berman

Accepted for

High honors  
(Honors, High Honors, Highest Honors)

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## Introduction

It is not ours to decide whether or not non-human animals have rights—they either do, or they do not—but either way, their rights exist (or don't) independent of human beings. By this I mean, if primates have some natural rights, then they have those rights even if humans are not on the planet. This fact goes the other way too: if a human has rights, then he has rights even if another human being (perhaps of different race, social class, gender, sexuality, etc.) say he does not have rights. The opinion of one human being cannot change the rights to which another is entitled. This truth should be sufficient to protect non-human animals from unjust behavior, but in practice it is not. I argue that we treat billions of non-human animals (and human animals too, but that is another discussion entirely) unjustly every day—and the number of animals subjected to immoral treatment grows every year as our own population grows.

However, the existence of human beings matters to the treatment of non-human animals. Thus, the debate on animal rights necessarily matters to humans, because if they do have rights, we have a responsibility to recognize those rights and act accordingly; we must respect their rights. For instance, if non-human animals have the right to life, then humans have the moral responsibility not to kill non-human animals. However, if they don't have the right to life, then we may kill them. It only gets more complicated from there. Perhaps they don't have the right to life, but they have the right not to be treated cruelly.

How should we even begin to break down such a complex issue, which no philosophers yet have been able to explain consistently or completely? I propose that we start by clarifying what criteria we use to establish human rights. This is difficult because many traditional philosophers disagree even on this, but I argue the primary things to consider are (1) sentience,

(2) language, (3) rationality, and (4) self-awareness, agency, and moral sense. I am not saying that for a being to have natural rights, he must have a certain level of intelligence, or be able to speak some language—just that these usually are the capacities we use to determine whether or not someone has rights.

## I. “But Animals Are Ours to Use,” Aren’t They?

We use animals in nearly every aspect of our lives. We eat them, we experiment on them, we wear them, and we force them to entertain us. Whenever we use non-human animals for our purposes, we exploit and abuse them. The only exceptions to this statement are the symbiotic, mutually satisfactory relationships that exist between humans and their animal companions (even if the animal companions are working ones, such as guide dogs), but even these can—and do—become abusive. It is difficult to say whether it has always been this way; in his book *Eternal Treblinka*, Charles Patterson argues that humans have been exploiting non-human animals since we first domesticated some species eleven thousand years ago. If Patterson is correct, that means that as soon as we humans evolved past being nomadic hunter-gatherers, we became the animal exploiters who we are today. Patterson writes, “once animals were ‘domesticated,’ herdsman and farmers adopted mechanisms of detachment, rationalization, denial and euphemism to distance themselves emotionally from their captives.”<sup>1</sup> Later on, I will illustrate that we continue to use those “mechanisms of detachment” to justify exploiting animals today, but first I will explain *how* we use animals and why it matters.

### 1. Animals for Food, Research, Fashion and Entertainment

In our modern economy it is quite difficult, if not impossible, to divest oneself completely from animal suffering. Animal suffering is a bi-product of nearly all animal use. Animals suffer in the food, research, fashion and entertainment industries daily, and in staggering numbers. In the United States alone, approximately ten billion land farmed animals are killed

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<sup>1</sup> Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust*, (New York: Lantern Books, 2002), p. 11.

every year for their meat, milk, and eggs. Countless others are held in captivity, exploited and killed in other animal enterprises, including zoos, cosmetic testing laboratories, university psychology departments, wool farms—the list goes on. Witness testimony, photographs and video exposés published by animal advocacy organizations reveal how much cruelty goes into producing the things we use, watch and consume regularly.<sup>2</sup>

We take for granted that we may rightfully use non-human animals for our purposes and interests. While more and more people are abandoning this belief everyday, it remains the majority position. Why is this? Do most people not know about the abuse that takes place behind closed doors in the production of their shoes, make-up, and cheese? Some may not, but this information is widely available today, despite animal industry efforts to conceal it. Is this because we believe there are no alternatives—that we *must* test upon, eat and wear animals for our own health and safety? It would be difficult for anyone living in America, or most other developed countries, to use this as a plausible defense: vegan options and alternatives to animal products are now widely accessible, and becoming more so every day. Is it because the religions charged with guiding moral human behavior teach that we may use animals? Or simply because we always have used non-human animals? To all of the above: there is much more to the reason.

Is it because we are, as Peter Singer suggests, all speciesists—all prejudiced against members of other species? This is the primary reason why animal exploitation continues to be pervasive, even unavoidable, in our present-day society. Being speciesist is more complex than just being prejudiced against other species. Speciesism is a prejudice that relies upon

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<sup>2</sup> See also: Melanie Joy, *Why We Love Dogs, Eat Pigs, and Wear Cows: An Introduction to Carnism*, (San Francisco, CA: Conari Press, 2010); Peter Singer, *Animal Liberation: The Definitive Classic of the Animal Movement*, Perennial ed., (New York: HarperCollins, 2009).

assumptions so innate—so thoroughly indoctrinated—that the actor does not realize that he even holds such assumptions. For instance, most humans believe that humans are the superior species. But if you ask those humans why we are superior, many will not be able to give you answer. They may pause for a second before saying, “because we are the smartest,” or, “because we are the most sophisticated.” But they are likely unable to defend those claims with either evidence or argument. These types of responses reveal that human beings generally assume that non-human animals are incapable of acting, feeling, communicating, thinking, or experiencing like we are. This is how we justify (to ourselves) using non-human animals: we are exceptional and the most important, thus the animals’ suffering is insignificant. This is, of course, a manipulative and illogical conclusion. But perhaps more importantly, it is a conclusion drawn from false premises. In other words, our assumption that non-human animals are sufficiently inferior to us is incorrect. That will become clear in the next section.

But what if we were superior? What if animals were incapable of reason, emotion, language or whatever else it is that makes human beings legitimate moral subjects? Would animal exploitation be justified then? First, let us see if animals might have those capacities we consider uniquely human.

## **2. Animals Meet the Common Criteria for Moral Consideration:<sup>3</sup> On Animal Cognition and Emotion**

Before we can question or understand the ideological and philosophical implications of our relationships with non-human animals, we have to face some realities about their cognitive

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<sup>3</sup> The common criteria for moral consideration include the capacities for: sentience, emotion, language, reason, self-awareness, agency, empathy, and senses of morality and justice. Hereafter, when I use the phrase “the common criteria for moral consideration,” this is the set of capacities to which I refer.



and emotional abilities. Many non-human animals are able to feel, think, experience the world, and maintain loving, social relationships like humans do. This is not to say that all animals (including humans) are the same. Indeed, individuals, be they members of the same species or different ones, have varying intellectual capacities, and express emotion differently.

Consequently, all animals have unique interests, which are determined by their physical and intellectual capacities, biology and physiology, experiences, environment and more. However, we all have certain fundamental interests in common: namely, interests in living, and living freely—without being oppressed or abused by another. Most people now understand that all vertebrate and some non-vertebrate non-human animals are sentient (meaning capable suffering); but many do not believe that non-human animals have the capacities for language, rationality, self-awareness, agency, or a sense of justice or morality. Generally, these capacities, in full or in part, are the ones required to merit an individual moral consideration. By incorrectly assuming that animals are incapable of these faculties, we have failed to grant to them the consideration they merit under our current moral standards.

Anyone who has lived with a pet knows that animals feel pain and pleasure. Growing up with cats and dogs reveals that these beings not only experience physical sensations of pain and pleasure, but also have emotions, maintain significant social and familial relationships, communicate, think, and act intentionally. In my (albeit brief and somewhat limited) interactions with members of other species (meaning non-human animals other than cats and dogs), I have recognized in them the same capacities I recognize in my companion animals. Others, through personal experience and scientific study, corroborate animal sentience, cognition, and emotion. In what follows, I will give a brief overview of the growing field of social and scientific

knowledge about animal cognition and emotion in order to challenge those who assume that non-human animals do not fit our common criteria for moral consideration. Through these anecdotal scientific studies, it becomes clear that non-human animals do possess the capacities for sentience, language, rationality, self-awareness, agency, and even have senses of morality and justice.

Judging non-human animals by human standards involves being both anthropocentric and anthropomorphic. Generally speaking, anthropocentrism<sup>4</sup> and anthropomorphism<sup>5</sup> are problematic in that they perpetuate human exceptionalism, but it is impossible to completely avoid either while addressing the question of animal rights; in fact, anthropomorphism can help us relate to non-human animals. Further, it is imperative to note that the concern over anthropomorphism suggests that we believe our emotions, reason, and senses of morality and justice are uniquely human in nature. Otherwise, we would not have concerns about ascribing our own characteristics and behaviors to non-human animals. In fact, some of the capacities we perceive as exclusively human are not; they are shared amongst many different kinds of animals. Without question, human beings have skills and interests that are unique to our species, just as other species of animals have their own unique skills and interests. Wild whales mother, communicate, and survive in the ocean, in ways that humans could not. And dogs certainly cannot vote in the American political system, but they do lead, establish social hierarchies, and exhibit empathy. Many of the interests and capabilities that we consider relevant to moral status are possessed by non-human animals as well as humans.

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<sup>4</sup> Anthropocentrism is view that human beings are the most central, significant species in the world.

<sup>5</sup> Anthropomorphism is the attribution of human characteristics and behaviors to animals, gods, or objects.

It does not follow that non-human animals need to possess the capacities for sentience, language, reason, etc., in order to count morally. I aim to arm the reader with evidence against claims by certain philosophers who argue, for instance, that animals are not rational and therefore do not count morally. Rather, I argue that because non-human animals possess these capacities, they *must* count morally.

## 2.1 *Sentience*

Generally defined, sentience is the capacity to feel and experience. Non-human animals are sentient, as they do feel and experience both physically and psychologically. In other words, non-human animals can feel pain when they are struck with a stone, for instance, but they also can suffer when they experience the loss of a loved one, or when they are held in captivity. This means that they feel emotions—they love and grieve, and have meaningful friendships and familial relationships, and experience psychological trauma—just as humans do. I assume that most people already know that non-human animals feel physical pain and pleasure. We are past the days of Descartes, who believed that animals are “automata,” or automatic, unfeeling machines. However, fewer people today understand much about how non-human animals experience and express emotions, or how their experiences affect their psychological well-being, so I will focus on these topics here.

In her book entitled *How Animals Grieve*, Anthropologist and William and Mary professor Barbara King details how many animals—from farmed animals to primates and elephants—feel and express emotions such as love and grief. She describes how animals form friendships and romantic relationships in addition to familial relationships, and grieve when they lose their loved ones. She recounts one example in which her friends rescued a pair of goats from

the same location six weeks apart. When the two goats were reunited, she writes, “they coo-vocalized, rubbed their faces together, and cuddled in an explosion of mutual affection.”<sup>6</sup>

Workers at animal sanctuaries often report witnessing expressions of joy and love when animals are reunited.

In a sadder example, King writes about three ducks who were rescued from a foie gras farm, and sent to live at Farm Sanctuary, a non-profit that takes in rescued farmed animals to their three facilities in California and New York. The two sickest ducks, named Harper and Kohl, bonded quickly and spent nearly all of their time at the sanctuary together. After four years of friendship, Kohl had to be euthanized because his injuries from his time on the foie gras farm had worsened beyond treatment. Harper approached Kohl’s body when the procedure was finished, and tried to communicate with him. When Kohl did not respond, Harper lied down next to him and stretched his neck over’s Kohl’s protectively. After Kohl’s death, Harper’s mood deteriorated. He became even more nervous, and refused to make friends with any other ducks. After suffering from depression for two months, he, too, passed away.<sup>7</sup> King’s *How Animals Grieve* is full of similar stories in which animals of all different species suffer tremendously when they lose loved ones: some stand vigil over the bodies; some visit the graves of the fallen; many, like Kohl, sink into deep depressions and lose weight, become antisocial, and even pass away shortly after their companions die.

If you have ever watched an exposé about dairy factory farming, chances are you too have watched non-human animals grieve. Dairy cows must be impregnated to lactate, but the

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<sup>6</sup> Barbara J. King, *How Animals Grieve*, (Chicago: University of Chicago Press, 2013), 3.

<sup>7</sup> King, *How Animals Grieve*, 40-1.

farms do not allow the calves to stay with their mothers after birth because they would drink their mothers' milk, which would cut into the farm's production. And so, calves are separated from their mothers immediately after birth. The female calves are raised to become dairy cows, while the male calves are sold to veal or other meat farms. When the babies are dragged away, their mothers wail—there is no other way to describe it. There are even accounts of dairy cows, who have experienced their calves being taken away before, hiding new calves from farmers in order to protect them. One rescued dairy cow, whom sanctuary workers named Clarabelle, even hid the calf she birthed on a sanctuary.<sup>8</sup> This suggests not only that cows grieve and have deep maternal instincts, but also that they remember past traumas and will adjust their behavior to protect themselves and their offspring from suffering.

The adage, “elephants never forget,” is popular for good reason. Elephant grieving patterns are especially poignant, and obvious to the researchers who study them. Often, elephants will stand vigil over the bodies of deceased loved ones, even for days at a time. King reports that when elephants come across body parts (such as bones) of deceased elephants, they will approach, sniff, and caress the body parts, whether or not the deceased elephant was a member of their own herd. King quotes researchers who say this shows, “elephants have a generalized response to suffering and death.”<sup>9</sup> Further, King writes that elephants who witness the poaching of their mothers or herd members suffer from post-traumatic stress disorder.<sup>10</sup>

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<sup>8</sup> Ameena Schelling, “Mother Cow Hides Newborn Baby To Protect Her From Farmer,” *The Dodo*, (Feb. 25, 2015), <<https://www.thedodo.com/dairy-cow-calf-baby-rescue-1010627123.html>>.

<sup>9</sup> King, *How Animals Grieve*, 56.

<sup>10</sup> *Ibid*, 123.

Footage from the now-popular documentary *Blackfish*—which investigates the orca entertainment industry—shows how captivity harms wild animals psychologically and physically. There is no record of orcas attacking humans in the wild, but there are at least seventy recorded events of captive orcas attacking humans at amusement parks like SeaWorld. Twelve thousand pound Tilikum, Seaworld’s primary male breeding orca, has killed three human beings during his time in captivity alone. Orca specialists, including trainers who have witnessed such attacks, recognize that these orcas are driven mad by their captivity. In the wild, orcas maintain lifelong family connections (most children never separate from their mothers, until their mothers die), swim up to one hundred miles a day, and males can live up to fifty years and females up to a hundred years. In SeaWorld and other aquariums, orcas usually only live to the age of thirteen, mothers are often separated from their offspring, and they are held in tanks not much longer than themselves. Also unlike in the wild, these orcas fight violently with one another, and self-harm by gnawing on metal cage bars and slamming their heads into concrete walls.<sup>11</sup>

Each story of animal love and grief is heart wrenching and impressive in its own right, but all demonstrate clearly that non-human animals are capable of experiencing internal, emotional, and psychological pain and pleasure as well as physical.

## 2.2 *Language*

One of the most popular mottos of animal rights activists goes something like, “We must speak up for the animals because they cannot speak up for themselves.” I do not like this phrase, and I think it would be much more accurate to say, “We must speak up for the animals—even though they also speak for themselves—because we often ignore their appeals, and have given

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<sup>11</sup> *Blackfish*, directed by Gabriela Cowperthwaite, CNN Films, (2013).

them no legal recourse against injustice and cruelty.” The critical point here is that non-human animals *do* have voices, and they communicate with members of their own species and with members of other species (including humans) vocally and through body language. As I described above, mother cows scream in agony when their newborns are torn away from them on dairy farms. Cats purr when contented, and dogs (and many other animals) growl when they feel threatened. Cetaceans use acoustic communication and echolocation in ways humans cannot. Koko, a lowland gorilla born into captivity at the San Francisco Zoo and the now star of the Gorilla Foundation’s language project, has learned how to sign over one thousand words in a variation of the American Sign Language and understands an additional thousand spoken English words. It is true that in some ways non-human animals communicate differently than humans do, but to suggest that non-human animals are incapable of language is incorrect. Further, non-human animals are capable of learning to understand human languages. Several animals know their given names, recognize different human voices, and even understand exchanges between humans.

Some of what I know about animal language and communication is from personal experience. I have a domestic cat companion named Lily and a pit-bull named Duke who communicate with me regularly. When Lily is hungry, she makes it known to me by meowing, pawing my face, and rubbing up against my legs until I feed her. Whenever I come home, she likes for me to walk upstairs to my room and say hello to her. If I come home and do not immediately walk upstairs to greet her, she becomes upset. I know this because she will start meowing until I do so, and my roommates attest that she does not do this when they return home. That means that she distinguishes the sounds I make when I speak or even just move around

from the sounds my roommates make, and communicates with me when I come home. Both Duke and Lily know whether I am happy, angry, or upset by my tone, and respond differently to each tone. For instance, when I am upset and my voice shakes or I start crying, Duke runs up to me and nuzzles me to comfort me, and he stays with me until I calm down.

King tells a story about a friend's experience with chickens and communication. King's friend, Jeane Kraines, keeps chickens on her property and is familiar with their personalities and behaviors. King writes:

“The story I loved best from Jeane I call ‘the swimming pool rescue.’ One day, in her kitchen, she heard alarmed calls from the backyard and the chickens rushed up onto her deck. ‘They were knocking furiously on the sliding door with their beaks,’ she remembers. ‘I ran outside immediately and they rushed off with me behind, trying to keep up. Straight to the pool we dashed. There I saw Cloudy, everyone’s favorite hen, flailing her wings in the swimming pool. I reached in and lifted her out.’ Jeane is certain Cloudy’s life was saved only by the resourceful action of her flock.”<sup>12</sup>

This means that the chickens not only realized their friend was in trouble, and knew they needed help in saving her, but also that they found a way to get a human's attention through communication. Sure, they did not open the sliding glass door and say, “Cloudy is in trouble, please come help.” But they found a way to communicate with a member of another species nonetheless.

To anyone who would still contend that animals are incapable of language, consider this: if I were to travel to most other countries around the world, the locals would speak in languages I could not understand. Does that mean that they are not speaking—that they do not have language? Of course not. Rather, I do not know their languages. My ignorance is no reason to discount or devalue those languages, simply because they are unfamiliar to me. To anyone who

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<sup>12</sup> King, *How Animals Grieve*, 5-6.



would argue that they are still verbal and written languages—as opposed to some of the languages used by non-human animals—consider languages like Afrikaans that use clicking noises, or even sign language, which is gestural rather than spoken. These languages are legitimate even though they function differently than spoken English, and the same is true for the languages of non-human animals. The limitations of our experiences and education do not define what constitutes a real form of communication.

### 2.3 *Animal Actors: Self-Awareness, Reason, Agency and Autonomy*

All animals have interests, and act in those interests to satisfy their needs and desires. Many people believe that animals exclusively act out of instinct, but mounting evidence suggests otherwise. Chimpanzees make and use tools, and teach their young how to do the same. Rats in laboratory experiments learn to navigate mazes and operate levers to obtain food or avoid punishments. Gorillas, mice, elephants, and dogs rescue other animals from danger. These are just a few examples out of many, but they illustrate how animals across a spectrum of size and “sophistication” make decisions to bring about specific outcomes. In doing so, these animals demonstrate their capacities for self-awareness, reason,<sup>13</sup> agency and autonomy,<sup>14</sup> and morality. The claims that animals are rational, autonomous, and even moral are not revolutionary (Darwin supported the notion that non-human animals are moral<sup>15</sup>), but they go against all of our

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<sup>13</sup> When I speak of reason here, I am talking about practical reason, which is the capacity “for resolving, through reflection, the question of what one is to do.”; as defined by R. Jay Wallace, “Practical Reason,” *The Stanford Encyclopedia of Philosophy* (Summer 2014 Ed.), ed. by Edward N. Zalta, <<http://plato.stanford.edu/archives/sum2014/entries/practical-reason/>>.

<sup>14</sup> I use the word “agency” to mean the ability to act intentionally, or to act with the intention of achieving some aim. And when I say an “autonomous agent,” I mean simply a self-governing agent.

<sup>15</sup> Marc Bekoff, “Wild Justice and Moral Intelligence in Animals,” *Psychology Today*, (June 19, 2009), <<https://www.psychologytoday.com/blog/animal-emotions/200906/wild-justice-and-moral-intelligence-in-animals>>.

preconceived notions about animal cognition. In order to fully appreciate this information, we must open our minds to the possibility that we humans are not so different from all other species of animals. Until we do so, we risk exploiting masses of animals, without justification.

Recently, an octopus named Inky broke out of an aquarium in New Zealand. He identified a small opening in his tank and climbed out through it before crawling eight feet across the floor of the aquarium to an external drain pipe. He dropped himself into the pipe, through which he escaped out to the ocean. Octopus specialists say these animals are highly intelligent, and skilled at using their surroundings to their advantages. It is yet impossible to say for sure, but it seems that Inky was frustrated by the limitations of his captivity and so took action to free himself, whether or not he knew that the drain pipe led to the ocean.<sup>16</sup>

In *Blackfish*, an orca researcher named Howard Garrett and an ex-orca hunter named John Crowe take turns explaining the orca hunts, in which adolescent orcas were captured for parks like SeaWorld. Interspersed video clips of hunts in the 1970s corroborate their testimony. Garrett explains, as hunters chased a pod of orcas in speedboats, “the orcas had been caught before, and they knew what was going on. They knew their young ones would be taken from them. So, the adults without young went east into a cul-de-sac, and the boats followed them thinking they were all going that way, while the mothers with babies went north.” Garrett says that in the end, this did not save the whales from capture because they had to surface for air eventually. When they did, hunters in aircrafts alerted the boats to what the orcas were doing. Crowe remembers when the hunters had captured the babies, they released the nets enclosing the

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<sup>16</sup> Dan Bilefsky, “Inky the Octopus Escapes from a New Zealand Aquarium,” *New York Times*, (April 13, 2016), <[http://www.nytimes.com/2016/04/14/world/asia/inky-octopus-new-zealand-aquarium.html?smid=fb-nytimes&smtyp=cur&\\_r=0](http://www.nytimes.com/2016/04/14/world/asia/inky-octopus-new-zealand-aquarium.html?smid=fb-nytimes&smtyp=cur&_r=0)>.

entire pod. Rather than swimming away, the adult orcas stayed as near to the babies as they could and communicated with them vocally.<sup>17</sup>

Even for me, it was difficult to let go of my preconceived notions of animal cognition and accept that non-humans were capable of this level of reasoning, even though I know that whales are highly intelligent beings. According to Garrett and Crowe, these animals processed the facts of their situation, used memory of past events to formulate a plan, communicated the plan throughout their pod, and collaboratively acted to protect their young from the hunters. This illustrates an exercise of reason.

Non-human animals are also self-aware in variety of ways. Some can recognize their reflections in mirrors,<sup>18</sup> while others recognize their own scent in spots they have previously marked. King recounts that dolphin trainer Richard O’Barry, who worked with the dolphin stars of a popular show called *Flipper* in the 1960s, used to pull a television set close to the edge of the dolphins’ enclosure so they could watch an episode of *Flipper* together on Friday nights. King writes, “That’s when O’Barry first realized that dolphins are self-aware: the dolphins... recognized themselves on the small screen.”<sup>19</sup> Agency presupposes self-awareness, because in order to act intentionally, one must be able to recognize both his ability to act and his own

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<sup>17</sup> *Blackfish*, (2013).

<sup>18</sup> “To date, mirror self-recognition has been convincingly demonstrated in all great apes (Anderson & Gallup, 2011 for a review of this literature), Asian elephants (*Elephas maximus*) (Plotnik, de Waal & Reiss, 2006) bottlenose dolphins (*Tursiops truncatus*) (Reiss & Marino, 2001), and magpies (*Pica pica*) (Prior, Schwarz, & Gunturkun, 2008).” Lori Marino and Christina M. Colvin, “Thinking Pigs: A Comparative Review of Cognition, Emotion, and Personality in *Sus domesticus*,” *International Journal of Comparative Psychology* 28, (2015), 11.

<sup>19</sup> King, *How Animals Grieve*, 121-2.

actions. So by being self-aware, the dolphins are able to recognize their own actions, which means they may also have agency.

As of now, mirror self-recognition (hereafter “MSR”) has not been proven in pigs.

However, pigs exhibit other indicia of self-awareness and autonomy. In one study:

“Pigs were able to manipulate a modified joystick in order to move an on-screen cursor. In a study designed to assess how well pigs would acquire this kind of task to obtain an on-screen target, Croney (1999) found that all pigs in the study were able to acquire the task, despite dexterity and visual-capacity constraints of the joystick task... Manipulating a joystick to attain a target arguably requires a complex capacity known as self-agency: the ability to recognize actions caused by oneself.”<sup>20</sup>

In essence, these pigs were able to play a video game. This case is persuasive, because it demonstrates that pigs were able to master using a tool, and then realized how to manipulate a cause-and-effect relationship between that tool and a given task. That the pigs were able to learn how by operating the joystick they could obtain the on-screen target, means they understood that their actions affected an outcome.

Following the examples of non-human animals using intelligence, skills, and rationality to act in their own interests, I will cite cases where non-human animals intentionally acted against their own interests, instincts and social norms for determinate purposes. In many of these cases, the animals have to be self-aware in order to have acted how they did. These examples demonstrate that non-human animals (some if not all) are capable of acting as autonomous agents, and do. Sometimes they act to protect another animal (who may or may not be a member of the actor’s own species), and other times they act out in revenge. Others act as autonomous agents when they assume leadership positions within their communities. From these studying

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<sup>20</sup> Marino and Colvin, “Thinking Pigs: A Comparative Review of Cognition, Emotion, and Personality in *Sus domesticus*,” (2015), 11-2.

these cases, several questions arise. When one animal acts compassionately towards another, does he do so because he feels some moral obligation, or because he feels empathy? When non-human animals kill themselves, do they do so knowingly and intentionally? If so, does the act of suicide demonstrate the suicidal animal's agency, or do mental illnesses and trauma affect non-human animals—just as they affect humans? Can we ever really know without asking the acting animal why he acted the way he did? I aim to answer these questions as fairly, logically, and completely as possible without assuming too much on the part of the animal. It is clear more research and study is needed, but it is also clear that up until this point we have severely underestimated animal cognition. Many of the philosophers whom I consider later in this essay outright deny the possibility that animals are capable of acting as rational, autonomous agents. The evidence presents sufficient reason to doubt the legitimacy of this denial.

There are many documented cases of non-human animals adopting orphaned animals, even when the orphan is a member of another species. On farm sanctuaries, it is common for older sanctuary residents to adopt orphaned newcomers, but inter-species adoptions are also documented in the wild, where the risks and burdens of caring for a member of another species are much greater. And it is not just females who adopt—males do too. This means that we cannot attribute these adoptions exclusively to the animals' maternal instincts. Rather, for such an adoption to take place, the adoptive parent must realize (1) that a child has been orphaned or abandoned, (2) is in need of help, (3) that he or she (the adoptive parent) is capable of helping this orphaned creature, and then act in accordance with those realizations.

If you consistently follow the news, chances are you have seen a story about a dog saving his companion humans in the event of a fire. In fact, dogs have perished doing this. That means

that they have recognized that the fire was dangerous, and risked their own lives to save the lives of their human companions. Is the dog's choice to do so a moral one? At the least, one that reveals dogs' capacities for empathy: to understand that the fire is dangerous, and remain in the burning building, in some case even run through fire, to help others escape safely is the opposite of self-preservation—it is self-sacrifice.

King recounts another field study in animal behavior conducted by anthropologist David Watts, who observed the Ngogo community of chimpanzees (researchers often name specific animal communities for ease of reference) at Kibale National Park in Uganda. Watts witnessed a group of male chimpanzees gang up against another male chimpanzee called Grapelli. They beat Grapelli so violently that he died of attack-related injuries shortly thereafter. What is most remarkable about this attack is that one male chimpanzee “refused to join in the attack mob.”<sup>21</sup> King attributes this male's choice to empathy. I wonder if this male realized that the attackers were acting immorally? We do not know for certain, but it is entirely possible that he opted out of the attack because he felt that it was the moral thing to do.

In their book, *Wild Justice: The Moral Lives of Animals*, renowned animal behaviorist Marc Bekoff and philosopher Jessica Pierce dispel the notion that humans—and humans alone—are moral beings. They argue that non-human animals have complex and evolving senses of morality, which guide their actions and social norms. Bekoff and Pierce assert that conceptions of morality can vary between members of different species, and even between members of the same community. This helps to explain why it is not always apparent to humans when non-human animals act morally. Like King, Pierce and Bekoff support their argument with evidence

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<sup>21</sup> King, *How Animals Grieve*, 79-80.

drawn from field studies and anecdotes about a variety of species of non-human animals. Their examples of moral animal behavior illustrate that animals, like humans, have senses of compassion, empathy, altruism, justice, fairness, trust, reciprocity and more.<sup>22</sup>

Finally, there are documented accounts of animals killing themselves; King questions if these cases count as animal suicide. She discusses the phenomenon of mass strandings, which is when several members of a pod of cetaceans becomes beached at the same time and in the same place. Instead of swimming away when a few dolphins or whales are beached, the rest of the stranded's pod allow themselves to be stranded too. The general consensus amongst researchers here is that cetaceans are such social, empathetic, and loyal beings that they refuse to abandon members of their communities in danger. Cetacean specialists assert there are more complex reasons for mass strandings than herd mentality. In other words, the animals do not just "follow the leader" into the mass stranding but rather *choose* to remain all together, even when doing so is dangerous.

Dolphin trainer Richard O'Barry claims that one of the dolphins under his care committed suicide, in fact he witnessed her do it. King writes, "According to O'Barry, Kathy [the dolphin] locked eyes with him, sank to the bottom of her tank, and stopped breathing." Her death could not have been an accident, because for dolphins breathing takes conscious effort. Thus, "when a physically healthy dolphin chooses not to breath, she intends to bring about her own death." If she chose to die, did she believe that dying was better living in captivity? Were they suffering from mental illness (perhaps due to being kept in captivity, which undeniably causes extreme psychological distress)?

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<sup>22</sup> For more information, refer to Marc Bekoff and Jessica Pierce, *Wild Justice: The Moral Lives of Animals*, (Chicago: University of Chicago Press, 2010).

If nothing else, these accounts reveal that non-human animals are capable of high-level thinking and problem-solving, empathy, and acting deliberately. In many of these accounts, the animals' actions demonstrate some understanding of what a good life is to them—if only a life free from captivity or other forms of exploitation, with access to proper food, shelter, and opportunities for socialization. And so when they try to escape from captivity, or make tools for hunting and gathering food, or perhaps even when they kill themselves, they are acting with the intention of bettering their own lives. In other cases, they act with the intention of protecting another animals (in other words, they act to better the life of another), such as when they adopt or save others from dangerous situations.

Some may say still that these animals are merely acting to satisfy their desires rather than to achieve a good life, or to help another. It is true that all animals—like all people—have desires, and sometimes instinctively act to satisfy those desires. For instance, we all desire food because we need it to survive. And so, we have natural instincts to find food and to eat. It is at the next step that animals demonstrate their capacities for reason, agency, and morality: in *how* they choose to find food and to eat, and in how they share food. Similarly, while it may be instinctual for animals to protect the ones they love, developing and executing a plan to do so demonstrates agency and reason. And protecting complete strangers demonstrates empathy, compassion, and a moral sense.

#### 2.4 *The Marginal Cases Argument*

No matter on which side of the debate they fall, all philosophers who consider the animal rights question compare the capacities of human beings with the capacities of non-human animals. Generally, those who argue that animals are not entitled to moral consideration focus on



the differences between humans and animals, while those who argue in support of animal rights (or at least in support of giving some moral consideration to non-human animals) focus on the similarities.

Many anti-animal rights theorists either outright assume that non-human animals do not have capacities for emotion, empathy, self-awareness, or a sense of morality and justice without evidentiary support, or make these claims based upon outdated information about animal cognition and emotion. They cite the differences between humans and non-human animals as reason for giving moral consideration to the former but not the latter. Even if their claims about animals' lack of the capacities necessary for moral consideration were correct, the distinctions these philosophers draw between beings who possess these capacities and those who do not have negative consequences for certain human beings: infants, and handicapped or disabled adults. These two groups of people are referred to as "marginal cases," because their capacities fall somewhere between those of healthy, adult humans and various non-human animals—or so the argument goes.

Thus, if anti-animal rights theorists are justified in drawing a distinction between the moral value of humans and non-human animals on the basis that each has different capacities, their distinction also applies to healthy, adult humans and the marginal case humans. In other words, for instance, Immanuel Kant argues that non-human animals have no moral value, and thus are undeserving of moral consideration, because they do not have a kind of self-consciousness that allows them to make decisions about how to act based upon the application of a rule or principle. If he is justified in doing so, he must concede that humans who are incapable

of this same kind of self-consciousness (the marginal cases) do not count morally either, or at least have less value than fully developed humans.

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From what we now know about animal cognition, emotion, and empathy, most if not all sentient non-human animals possess the same kinds of capacities as humans do—even if they express their emotions differently, or have different concepts of morality. Therefore, if moral worth is determined by the possession of these capacities, at least some human beings and some non-humans animals have equal moral worth.

This means that we can no longer justify using non-human animals by arguing that they are vastly and irreconcilably different from us in their capacities for sentience, emotion, language, reason, self-awareness, agency, empathy, and senses of morality and justice. They meet our common criteria for moral consideration. It follows that the institutionalized, normative, mass exploitation of animals, which is pervasive in our society, is immoral and unjustifiable. Those who disagree must be willing to concede that if we may morally use these animals, we must be willing to use humans with the same capacities.

## II. Contractarianism and Categorical Justice

Immanuel Kant explicitly argues that humans may use animals as we see fit, so long as we do not harm another human in the process. John Rawls joins Kant in arguing that animals have no place within our moral framework. Contemporary philosopher Peter Carruthers supports Rawls' and Kant's claims that humans have no direct duties to animals. Kant, Rawls, and Carruthers concede that we may have indirect duties to animals, and that being unnecessarily cruel to animals is wrong, but their reasons are anthropocentric. They contend that harming animals may offend (and thus cause suffering to) some humans, and that allowing cruelty to animals encourages cruelty to humans. Mostly, these philosophers recognize that non-human animals are capable of experiencing both suffering and pleasure. But like many other opponents of animal rights, they argue that non-human animals lack the capacity for reason and moral sense, which precludes them from counting within the moral community. Contemporary studies of animal cognition and emotion problematize their justifications for denying animals moral consideration. Consequently, the conclusions derived from their premises that animals are neither rational nor moral are incorrect.

### 1. Rawlsian Justice

#### 1.1 *Justice as Fairness*

Rawls presents a theory of "justice as fairness," in which members of society agree upon principles of justice. Rawls intends for these principles, which are based upon fundamental concepts in utilitarianism, to guide citizens in establishing a social contract (similar in practice to the social contract theories proposed by John Locke, Jean-Jacques Rousseau, and Thomas

Hobbes). In this way, Rawls aims to institutionalize justice in order to promote a stable society. Rawls stresses his theory is not meant to create any specific real government, but rather to force citizens to think about how a just structure of government should work.<sup>23</sup>

## 1.2 *The Principles of Justice*

In order to determine the principles of justice impartially (and thus fairly), Rawls places the thinking citizens behind a “veil of ignorance.” Behind the veil of ignorance, “no one knows his place in society, his class position or social status, nor does anyone know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like.”<sup>24</sup> This deters individuals from formulate the principles of justice to give people in their own positions unfair advantages over others, so instead they will choose principles that benefit society as a whole. This is what Rawls means by the phrase “justice as fairness”—not that justice is not equivalent to fairness, but that the principles of justice are (to be) agreed upon fairly.<sup>25</sup> The idea is that if an individual *could* be born without money, intelligence, strength, etc., he would want the principles of justice to be fair towards the least well-off members of society. For example, it would not be fair for a billionaire alone to create his society’s concept of justice, knowing his position in society. Because human nature instructs us to take self-interest into account when we establish the principles, this man is likely to establish principles that benefit him most—even if they harm other members of society.

Rawls argues that from behind the veil of ignorance, all humans would agree upon the

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<sup>23</sup> For a more thorough explanation of this theory, refer to the revised ed. of Rawls’ *A Theory of Justice* (1999).

<sup>24</sup> John Rawls, *A Theory of Justice*, (revised ed., Cambridge: Harvard University Press, 1999), p. 11.

<sup>25</sup> *Ibid.*, 10.

same two principles of justice. He occasionally reformulates the principles throughout his *Theory of Justice*, but the content remains basically the same. The final principles read as follows:

- I. "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberties for all."
- II. "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."<sup>26</sup>

According to these principles, in a just system, all people are to be treated equally under the law, enjoy equality of opportunity, and existing inequalities should favor the least well off to compensate for their disadvantages.

### 1.3 *Duties to Animals*

Despite using expressions such as "liberties for all," and "the least advantaged," Rawls actually does not promote equal justice for all; he promotes equal justice for all *human beings*. He claims that the principles of justice do not apply in interactions between humans and non-human animals; only "moral persons" are entitled to the full protection of the principles of justice. Under Rawls's definition, "moral persons" have two features: (a) "they must be capable of having (or assumed to have) a conception of their good (as expressed by a rational plan of life)", and (b) "they must be capable of having (or assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice."<sup>27</sup> In other words, the principles of justice do not apply to non-human animals because, he assumes, they cannot participate in our systems of justice.

Despite excluding animals from his theory of justice, Rawls maintains, "it is wrong to be

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<sup>26</sup> Ibid., 266.

<sup>27</sup> Ibid., 155.

cruel to animals...The capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case.”<sup>28</sup> Though the principles of justice do not apply to animals, we have direct duties to them—specifically, the duty to avoid cruelty. But is avoiding cruelty sufficient to guarantee compassion and just treatment? Tom Regan asserts, “the absence of cruelty does not ensure that [the actor] avoids doing what is wrong.”<sup>29</sup> Many “standard industry practices” used on factory farms, such as castrating piglets without anesthesia and withholding food and water for up to twenty-four hours before slaughter, do not count as animal cruelty under the law. Further, some farmed animals are not protected under anti-cruelty statutes (for example, chickens are not protected by the federal Humane Methods of Slaughter Act). So, what constitutes animal cruelty? Does imposing the duty not to be cruel sufficiently protect animal interests? The state of current events suggests it does not.

As illustrated in the section on animal cognition and emotion, most non-human animals *do* have a conception of their good: they have interests beyond base desires and instincts, and act deliberately to satisfy those interests. Yes, their interests are mostly different from human interests. But no animal wants to be imprisoned, exploited, or harmed—we do not need to understand much about animal cognition to know this. With a few exceptions, most non-human animals are empathetic to others, and have some sense of morality and justice (even if those senses are different from human senses of morality). This is why animals resist when they are exploited and abused, such as when animals in captivity try to escape, and why they help others

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<sup>28</sup> Rawls, in “Outside the Scope of the Theory of Justice,” *Animal Rights: A Historical Anthology*, 156.

<sup>29</sup> Tom Regan, “The Case for Animal Rights,” In *In Defense of Animals*, edited by Peter Singer, (New York: Basil Blackwell, 1985), 13-26.

in need. Non-human animals have their own rational plans of life, and because their plans differ from ours is no reason to discount them. For instance, a whale's rational plan of life may include remaining close to her family, swimming long distances daily, communicating with the other members of her pod, migrating, and more. In this way, at least some non-human animals meet the minimum criteria for moral personality.

Even Rawls is not convinced completely that there is no place for animals under the framework of his theory of justice. He writes, "While I have not maintained that the capacity for a sense of justice is necessary in order to be owed the duties of justice, it does seem that we are not required to give strict equal justice anyway to creatures lacking this capacity."<sup>30</sup> In other words, he admits that an individual may be a legitimate subject of justice without being a just actor. He further qualifies his decision to exclude animals by saying that as we humans gain a greater understanding of our position in the world and our relations to animals and nature, his theory of justice may need revision to reflect that knowledge.<sup>31</sup> Our improved knowledge about animal cognition already necessitates such revision. Rawls claims, "it does not seem possible to extend the contract doctrine so as to include [animals] in a natural way."<sup>32</sup> However, he allows that the parents or guardians of children can exercise their child's basic rights on his or her behalf.<sup>33</sup> Rawls could potentially completely reverse his exclusion of animals by modifying his theory to allow humans to advocate on behalf of animals. If people behind the veil of ignorance were compelled to give consideration to animals as they are compelled to consider the interests

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<sup>30</sup> Rawls, *A Theory of Justice*, 448.

<sup>31</sup> *Ibid.*, 448-9.

<sup>32</sup> *Ibid.*, 448.

<sup>33</sup> *Ibid.*, 446.

of people of all classes, races, genders, sexual orientations, etc., and especially those who are the least well off, the principles and institutions of justice to which they agree would be just for a greater number of individuals. If, as Rawls claims, it is impossible to represent animal interests in this way, Rawls could allow for interested and qualified people to officially represent and exercise the rights of non-human animals. How to select these animal representatives is another question, but one for which there are many different possible answers, (they could self-select, or lawyers and lawmakers could have brief mandated terms of service, etc.). Considering that Rawls already always adults to do this for children, it does not seem a great stretch to imagine that some humans could do this for animals.

Whether or not non-human animals can participate in institutions of justice, they will be affected by them. Thus, the principles of justice guiding those institutions should give some consideration to the interests of non-human animals. So long as they fail to do so, the interests of animals will continue to be systematically ignored, and their moral value denied. With regard to the question of animal rights, Rawls's *Theory of Justice* perpetuates some of the very problems it seeks to prevent or remedy in just societies: namely, it denies the rights and interests of the least well off, who, in modern society, are most certainly the non-human animals. Rawls's own uncertainty about outright excluding animals supports the notion that doing so is problematic.

## **2. Kantian Justice**

### *2.1 "Animals May Be Used"*

Immanuel Kant argues that we may use animals as tools, especially in agriculture. He asserts that when humans breed and care for non-human animals, those animals become



property. This claim follows from the social contract theories to which I have referred above (namely, those of Locke, Hobbes, and Rousseau); when a human uses his labor to produce something—here, an animal—he has property rights to the fruits of his labor. Kant equates domesticated animals with crops, “which may be used, consumed, or destroyed.”<sup>34</sup> In other words, he argues that killing domesticated animals is morally equivalent to killing weeds with pesticides.

## 2.2 *Metaphysics of Morals and the Categorical Imperative*

Kant specifies that though we may use and destroy non-human animals, we “absolutely” cannot use humans—especially citizens. He states: “a citizen must always be regarded as a colegislative member of the state (that is, not merely as a means, but at the same time as an end in itself).”<sup>35</sup> Especially in times of war, the “sovereign” may not declare war or use the citizens under his control in war without their “free consent.”<sup>36</sup> He gives great moral weight to individual rights, and supports the position that individual human beings have inherent moral value. This statement reflects the context in which Kant wrote; philosophy that came out of the Enlightenment emphasizes the importance of the balance of power between the rights of citizens and the rights of the sovereign. If humans have natural rights, which include the right not to be exploited by others, why does he not extend the same protection to non-human animals?

Famously Kant writes that humans may never be used exclusively as means, but always

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<sup>34</sup> Immanuel Kant, *Metaphysics of Morals*, tr. John Ladd, (NY: Bobbs-Merrill, 1965), p. 345-6, in “Animals May Be Used,” *Animal Rights: A Historical Anthology*, ed. Paul A.B. Clarke and Andrew Linzey, (NY: Columbia University Press, 2005), sec. 2.12, 79.

<sup>35</sup> *Ibid.*, 88.

<sup>36</sup> Kant, *Metaphysics of Morals*, p. 345-6, in “Animals May Be Used,” *Animal Rights: A Historical Anthology*, ed. Clarke and Linzey, 79.

also as ends in themselves.<sup>37</sup> He claims that we need not treat animals in the same way because, “animals are not self-conscious, and are there merely as a means to an end. That end is man.”<sup>38</sup> This begs the question: what would he say, then, about the marginal cases? What, of the humans who are not self-conscious? In order to be consistent, he would have to say that infants and disabled humans whose capacities match animals may be treated in the same ways as animals, meaning they may be used as tools.

It is one thing to argue that animals do not have the same moral value as humans, or even to say that we humans are not required to extend moral consideration to non-human animals, but it is quite another to say that they exist expressly for our purposes. Kant offers no evidence in defense of the claim that not only do animals exist as a means to an end, but that end is man. Kant even claims that to question the meaning of life—for man or animal—is “meaningless.”<sup>39</sup> Is this a religious argument? Is Kant arguing that animals have been placed on this earth for the purposes of man? He makes no such religious connection in this lecture. If there is no almighty creator, humans cannot maintain that animals were put in our world for our use. What if tomorrow, all human beings were wiped off the face of the earth by some plague, but all other animals survived? For what purpose, then, would they exist? Because in the absence of humans, animals certainly would not exist as means to human ends. Without proof, or even a more comprehensive philosophical explanation, it would be irresponsible to accept his claim that

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<sup>37</sup> For a more thorough explanation of this thesis, refer to Kant’s *Grounding for the Metaphysics of Morals* (1785).

<sup>38</sup> Immanuel Kant, *Lectures on Ethics - Duties Towards Animals and other Spirits*, tr. Louis Infield, (NY: Harper and Row, 1963), p. 239-41 in “Duties to Animals are Indirect” *Animal Rights: A Historical Anthology*, ed. Paul A.B. Clarke and Andrew Linzey, (NY: Columbia University Press, 2005), sec. 3.9, 126.

<sup>39</sup> Ibid.

animals exist for the benefit of man. And without this claim, his argument that it is just (and normative) to use animals, is unsupported.

### 2.3 *Indirect Duties to Animals and Animal Welfare*

Most philosophers who argue against animal rights concede that (needless) cruelty to animals is always problematic—even wrong—because it increases the potential for cruelty to humans. Consequently, they assert that we have indirect duties to animals, and some interest in promoting general animal welfare. As briefly mentioned above, Rawls falls into this category. He writes, “certainly it is wrong to be cruel to animals...the capacity for feelings of pleasure and pain and for the forms of life of which animals are capable clearly imposes duties of compassion and humanity in their case.”<sup>40</sup> He references utilitarian principles here: because animals feel, we must act compassionately towards them. Carruthers claims that animals are conscious, suffer, and feel, and that people of good character try to help, or minimize, the suffering of animals.<sup>41</sup> Kant argues that indirect duties to animals are part of our direct duties towards humans, because Kant and Carruthers reason that how we treat animals informs how we treat other humans. This final claim is problematic in two ways: (1) ill treatment toward non-human animals not only harms the humans, it harms the animals—no one today can question that non-human sentient beings feel emotion and pain, are empathetic, are loyal and are self-determined; (2) if cruelty is wrong, and if treating animals cruelly teaches us to treat other humans cruelly (which we know for certain that it does), we cannot justify exploiting or killing non-human animals because doing so

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<sup>40</sup> John Rawls, *A Theory of Justice*, (Oxford University Press, 1972), p. 504-12, in “Outside the Scope of the Theory of Justice,” *Animal Rights: A Historical Anthology*, ed. Paul A.B. Clarke and Andrew Linzey, (NY: Columbia University Press, 2005), sec. 3.19, 156.

<sup>41</sup> Peter Carruthers, “Against the Moral Standing of Animals,” in *Practical Ethics: Questions of Life and Death*, ed. Christopher Morris (2011).

necessitates cruelty.

Kant says that we anthropomorphize animals. In other words, we relate to them when they act in ways that we associate with human behavior. For instance, when a dog is excited to see his human companion after an absence, we can empathize because we also get excited to see loved ones after spending time apart. The difficulty with anthropomorphism is that we relate much more easily to the animals with whom we spend time. In the United States, we are more empathetic towards companion animals such as cats and dogs than we are towards wild animals or animals farmed for food, clothing, and vivisection. We even are more empathetic towards the individual cats and dogs we keep as pets than to those cats and dogs used for vivisection, and our laws reflect those prejudices. For instance, domestic animal abuse, using kittens and puppies in crush videos,<sup>42</sup> and dogfighting are all punishable crimes in the United States and several other countries. Alternately, using dogs for vivisection is legal, even when the vivisection in question involves blatant animal cruelty. In fact, beagles are among the most popular test subjects for vivisectionists, because their docile manner makes them easy to manipulate and abuse.

With this in mind, we know that condemning “cruelty to animals,” or even more weakly, encouraging the avoidance of cruelty when possible, is not sufficient to prevent cruelty to animals. The limited anti-cruelty statutes in the United States do little to prevent or criminalize cruelty to animals, because they are rarely enforced (usually only when animal advocacy organizations document the abuse, identify the perpetrator, and work with law enforcement to prosecute the crime) and only protect certain species of animals. Specifically, most anti-cruelty laws only protect the animals towards whom we have personal attachments. This means that

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<sup>42</sup> Crush videos are pornographic videos in which women, usually wearing high heels, crush small animals under their feet.

farmed animals and laboratory animals are allowed to be abused. Therefore, Kant's and Carruthers' positions only protect the animals with whom humans have emotional attachments because, some would argue, humans are only hurt when certain species of animals are treated cruelly. So, if cruelty is a self-perpetuating action (meaning that allowing someone to be cruel to animals teaches him to be cruel to humans also)—which studies show it is—than arguing that we only have indirect duties towards non-human animals does not prevent cruelty, and thereby endangers both non-human animals and humans.

### **3. Objections to Rawlsian and Kantian Accounts of Animal Rights**

Rawlsian and Kantian positions on using animals, animal welfare, and animal rights are based upon incorrect premises, therefore their arguments against giving moral consideration to animals are invalid. For instance, Rawls incorrectly assumes that non-human animals do not have conceptions of a good life, and lack the capacities for having senses of justice and morality. Kant and Carruthers make claims about the wrongness of cruelty—specifically, they claim that cruelty is cyclical and self-perpetuating in nature, and that it is a dangerous, unethical practice. However, they justify the use, exploitation, and “destruction” of animals for human purposes and pleasures, which cannot be done without cruelty. Kant also fails to successfully justify the claim that not only may humans use animals, but that animals exist expressly for our use.<sup>43</sup> Kant's position is also problematic because, from his claim that we may use animals because they are not self-conscious (in the sense that they cannot recognize principles of action, such as the

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<sup>43</sup> Notably, I have not come across any other widely respected non-religious philosophies that maintain animals exist for the purposes of humans. The other philosophers argue for this base their claims in the religious idea that God granted humans dominion over the earth.

categorical imperative, and so do not make decisions about how to act based on principles), it follows that we may also use humans who lack this particular kind of self-consciousness (like infants and handicapped persons) as means only.

### III. Utilitarianism

“The question is not, *Can they reason?* nor, *Can they talk?* but, *Can they suffer?*”  
- Jeremy Bentham (1789)

Jeremy Bentham, whom many regard as the father of utilitarianism, was the first prominent philosopher to present a utilitarian argument for giving moral consideration to non-human animals. Utilitarianism is a theory of morality in which the most moral action is the one that maximizes pleasure and minimizes pain. This theory is based upon the idea that pleasure is the most fundamental, intrinsic good, and that pain is inherently bad. Bentham reasons that because animals can feel both pain and pleasure, we have the responsibility to consider their interests (presumably, their interests in experiencing as much pleasure and as little pain as possible). Further, he predicts that someday we will realize that a being's species does not determine his moral status, just as we eventually figured out that a being's race, gender, or more recently, sexual orientation do not determine his moral status. John Stuart Mill agrees that we must take into account the interests of non-human animals when we interact with them. He also defends Bentham's analogy between human and animal slavery.

Peter Singer uses Bentham and Mill's claims as the foundation for his theory of animal rights entitled *Animal Liberation*, in which he asserts that human beings must give equal consideration to the interests of humans and non-human animals alike. According to Singer, this does not mean we need to treat humans and non-human animals equally, because they do not always have the same interests. Based on the principles of utilitarianism, Singer offers the strongest argument against animal exploitation.

Critically, Bentham, Mill, and Singer all reason that non-human animals are due moral

consideration because they are sentient—it does not matter whether or not they are human beings. They all agree that cruelty is immoral. However, Singer’s theory diverges from those of Bentham and Mill with respect to how human beings may morally use non-human animals.

Using sentience as the condition for moral consideration is more representative of utilitarianism (and much stronger logically) than is using rationality or language. However, utilitarianism ultimately allows for animal exploitation (and perhaps the exploitation of human infants, or disabled humans) when it produces more good than harm. In this way, utilitarian arguments justify subjugating the interests of non-human animals to the interests of human beings—even though they recognize that those animals do have *some* rights, or at least merit moral consideration. When consistent, utilitarianism maintains the same view about the treatment of human beings by one another. For example, even Singer—who out of the four most strongly opposes using animals—concedes that in extreme cases, we may justly practice vivisection. However, he requires that whenever we are comfortable using an animal, we must also be willing to use a human being of similar capacities in the same way.

The utilitarian position on vivisection is representative of how utilitarian accounts of animal rights are faulty. Even under Singer’s theory—after it clearly and extensively demonstrates how using animals, as we do today and have for centuries, is wholly unethical and inherently cruel—animal testing may be justified. So, according to Singer (and Bentham and Mill), (1) cruelty is wrong, (2) using animals for vivisection requires cruelty, (3) we may use animals if doing so creates a greater total amount of pleasure than it causes pain. These first two premises are incompatible logically with the third, and this incompatibility reveals a flaw in the fundamental principles of utilitarianism. Further, none of these philosophers successfully or



consistently explain whether or not killing is immoral, and they incorrectly argue that it is possible to kill a sentient being without causing suffering (either to the killed, the killer, or their loved ones). For these reasons, utilitarianism does not conclusively or correctly answer the question of animal rights.

## 1. 18th and 19th Century Utilitarians on Animal Rights

### 1.1 *The Principle of Utility*

Bentham defines the principle of utility as follows: “that principle which approves or disapproves of every action whatsoever according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or oppose that happiness.”<sup>44</sup> The principle of utility is intended to help humans act morally when they are deciding whether or not to do something.

### 1.2 *Sentience is the Condition for Moral Standing*

Bentham questions: where and how do we draw the line between the beings who have moral status and those who do not?<sup>45</sup> It is convenient for us to count non-human animals as things without moral status instead of as morally relevant sentient beings, because we can then use them freely. However, as proved in the arguments against speciesism, we may not separate non-humans—just as we may not separate humans of different races, genders, sexual orientations, etc.—from our moral structure merely because doing so is useful to certain humans. So if not race or species, what *does* determine moral status?

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<sup>44</sup> Jeremy Bentham, “Of the Principle of Utility,” *An Introduction to the Principles of Morals and Legislation* (1781).

<sup>45</sup> Bentham, “Duty to Minimize Suffering,” 135.

Bentham considers whether or not the capacities for reason or language “trace the insuperable line”<sup>46</sup> between who counts morally and who does not. More specifically, he refutes the common claims that non-human animals’ supposed lack of capacities for rationality and language are sufficient to exclude them from moral consideration. Bentham reasons that a fully grown, sentient animal is generally more rational and better able to communicate than a human infant. However, even if this was not the case, non-human animals are still capable of suffering. Famously he posits, “The question is not, *Can they reason?* nor, *Can they talk?* but, *Can they suffer?*”<sup>47</sup> It does not matter if they can reason or talk, so long as they can suffer. Consequently, sentience is the condition for moral standing. Because non-human animals are sentient, they have moral standing and we must count their interests.

Mill approves of Bentham’s position on animal rights, which he summarizes, “It is as much a moral duty to regard the pleasures and pains of other animals as those of human beings,”<sup>48</sup> calling it “admirable” and “noble.”<sup>49</sup> Mill writes, “Granted that any practice causes more pain to animals than it gives pleasure to man; is that practice moral or immoral? And if [human beings] do not with one voice answer ‘immoral,’ let the morality of the principle of utility be forever condemned.”<sup>50</sup> Mill explicitly asserts that the principles of utilitarianism should promote the interests of all sentient beings, not just humans, because all beings capable of feeling *have* interests in feeling as much pleasure and little pain as possible. Further, he argues that the

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<sup>46</sup> Ibid., 135.

<sup>47</sup> Ibid., 135.

<sup>48</sup> John Stuart Mill, “Duties to Animals are Direct,” Ch. 3.15, In *Animal Rights: A Historical Anthology*, edited by Clarke, Paul A. B. and Andrew Linzey, (New York: Columbia University Press, 2005), 139.

<sup>49</sup> Ibid., 139.

<sup>50</sup> Ibid., 140.

interests of humans do not necessarily override the interests of non-human animals; he acknowledges that if by some human action, a non-human animal experiences more pain than the acting human does pleasure, that action is immoral. In other words, it is immoral for humans to use animals when the animals suffer more than the humans benefit. Thus, Mill counts sentience as the condition for moral standing, just as Bentham does, and argues that human interests are not wholly more important than animal interests. Rather, human interests and animal interests must be evaluated individually to determine whether an action involving either is justifiable.

Mill defends Bentham's "Greatest Happiness Principle" in relation to his view of animal rights, against a critic named Dr. Whewell. Whewell argues that Bentham proposes sacrificing human interests for the interests of non-human animals. Further, Whewell claims that we have duties to consider the interests of other humans only because we are human, and because we have a sense of brotherhood towards our peers (and therefore since we do not share that sense of brotherhood with non-human animals, we need not consider their interests). Mill says that Whewell's criticism demonstrates that Whewell does not understand Bentham's arguments. Consequently, Mill asserts that Whewell's critique of Bentham is illegitimate.<sup>51</sup>

In this defense, Mill predicts the consequences of speciesism, and argues against its legitimacy. He writes: "Whether the greatest happiness [principle] is the principle of morals or not, people do desire their own happiness, and do consequently like the conduct in other people which they think promotes it, and dislike that which visibly endangers it."<sup>52</sup> In other words, humans want to be happy, and so we are accepting of those who promote our happiness and

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<sup>51</sup> John Stuart Mill, "The Limits to Power." Ch. 2.14, In *Animal Rights: A Historical Anthology*, edited by Clarke, Paul A. B. and Andrew Linzey, (New York: Columbia University Press, 2005), 84-7.

<sup>52</sup> Mill, "Duties to Animals are Direct," In *Animal Rights: A Historical Anthology*, 138.

dislike those who do not. It follows that we give moral weight to actions that promote our self-interests. In this way, we come to view normative behaviors as moral, especially when those norms support behaviors that make us happy. Fighting injustice makes us uncomfortable, because it requires acting against social norms. Consequently, humans are more likely to comply with unjust systems and institutions than they are to fight against injustice. Mill objects to this, as behaviors cannot be made moral with practice.

For example, some human beings view eating meat as critical to their happiness. By Mill's assessment, these omnivorous humans will like those who enable their consumption of meat, and dislike those who interfere. They will justify acting in a certain way (here, eating meat) by associating with, and supporting, other people whose lifestyle choices mimic their own. They will also dismiss any actions that contradict their own as abnormal, and thus wrong. By perceiving ethical vegetarians and vegans (meaning those who abstain from using animal products or bi-products for moral reasons) as weird, meat-eaters can avoid questioning their own choice to eat meat. This behavior is self-reinforcing, and so the majority (here, meat-eaters) comes to view eating meat as a normal choice, and subsequently, as a morally acceptable one.

Mill's theory helps explain why activism often is viewed as outlandish and radical by people whose views favor the practices of accepted institutions. For example, most people I know will agree—at least in theory—that rampant animal cruelty on factory farms is unjustifiable. However, those same people will claim that adopting a vegetarian or vegan diet is too extreme, even when they know that the overwhelming majority of animal products today come from factory farms (the practices of which they view as morally reprehensible). If history is any indication, they will continue to conform and support their decision to eat meat until

something forces them to confront and evaluate that choice.

### 1.3 *Cruelty is Wrong: We Have Direct Duties to Non-Human Animals*

Bentham claims, “Every act by which, without prospect of preponderant good, pain is knowingly and willingly produced in any being whatsoever, is an act of cruelty.”<sup>53</sup> By this definition, Bentham upholds the fundamental principles of utilitarianism: pain is bad, and thus any action that causes pain is wrong, except for when that action produces a greater amount of pleasure than it causes pain. He asks: “Is there any reason why we should...torment [non-human animals]? Not any that I can see. Are there any [reasons] why we should...not torment them? Yes, several.”<sup>54</sup> We have the duty not to treat non-human animals cruelly. In other words, we have the duty not to make them suffer, and the duty to minimize their suffering when possible.

Not only does Bentham condemn cruelty to non-human animals, just as he condemns cruelty to humans, and but he also observes a relationship between the two. He writes, “I am unable to comprehend how...to whom it is a matter of amusement to see a dog or horse suffer, it should not be a matter of like amusement to see a man suffer.”<sup>55</sup> In other words, there is no difference between taking pleasure in watching a non-human animal suffer and taking pleasure in watching a human suffer. No human who enjoys animal suffering will be offended by human suffering, and so any human who enjoys being cruel to animals is dangerous to other human beings. “Like other bad habits,” Bentham argues of cruelty, “the more the correspondent habit is indulged in, the stronger it grows.”<sup>56</sup> In this way, cruelty encourages more cruelty. Violence

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<sup>53</sup> Bentham, “Duty to Minimize Suffering,” In *Animal Rights: A Historical Anthology*, 136.

<sup>54</sup> Ibid, 135.

<sup>55</sup> Ibid, 136-7.

<sup>56</sup> Ibid, 136.

against animals desensitizes us to violence against other humans, whether we are the observers or the perpetrators. In fact, many violent criminals practice their cruelty on non-human animals before graduating to human animal cruelty; slaughterhouse workers disproportionately commit domestic violence, as opposed to people in other professions, and areas with large slaughterhouses have higher rates of crime.<sup>57</sup> Therefore, needless cruelty of any kind is always bad, and we must do what we can to reduce and prevent it.

Mill denounces a case of animal cruelty and supports the notion that we should not cause non-human animals to suffer. In his response to “The Case of William Burn,” Mill describes how a man, Burn, deserved a much greater punishment than he received for brutally beating his horse. Mill criticizes the judge for giving Burn a lesser sentence even after saying that he deserved “the highest sentence,” simply because the judge did not want Burn’s large family to suffer the consequences of their patriarch’s wrongdoing. Mill writes, “a large family [should not be] license for violating the law, and, worse than that, for committing acts of savage brutality, which excite not merely regret but indignation that such a creature should have a wife and children in his power to treat in the same manner.”<sup>58</sup> Mill observes that cruelty is self-perpetuating, and that humans who are cruel to non-human animals often act cruelly towards other humans as well. Mill says of Burn, “If he could have been less brutal to his horses it would have made him less brutal to his human victims likewise.”<sup>59</sup>

Therefore, Mill argues, it would have been better for Burn’s family if the judge had

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<sup>57</sup> James McWilliams, “PTSD in the Slaughterhouse,” *The Texas Observer*, (Feb. 7, 2012), <<https://www.texasobserver.org/ptsd-in-the-slaughterhouse/>>.

<sup>58</sup> Mill, “The Limits to Power,” 85.

<sup>59</sup> *Ibid*, 86.

imprisoned Burn, or at least punished him as harshly as possible under the law—though, even this would not be enough as “the maximum penalty ought to be much higher.”<sup>60</sup> Perhaps then the judge could prevent Burn from abusing another non-human animal, or a member of his family. Mill explains that the maximum sentence for animal cruelty was unreasonably lenient only because lawmakers were trying to pass an “Act Against Cruelty to Animals,” and felt that a lesser punishment would make it more likely to pass. That way, people would not be able to deny knowing that cruelty to animals was wrong, or at the very least, illegal.

Mill questions, “Would the Lord Mayor have given him the benefit of this excuse if he had stolen a handkerchief? No.”<sup>61</sup> Mill recognizes that humans may not use animals like inanimate objects, but rather must be treat them like the sentient beings they are, and our laws ought reflect that. According to this statement, abusing a non-human animal is worse than stealing the property of another human. It is wrong that the judge excused a criminal guilty of the former when he wouldn't excuse a criminal guilty of the latter, and the fact that he did reveals how perverted are our feelings—or lack thereof—towards the suffering of non-human animals. Mill accuses the judge of protecting a criminal, rather than exercising “the most important moral power a magistrate possesses—that of putting down strongly and manfully, by word and deed, the brutal vices of the worst part of the populace,”<sup>62</sup> as he should have. Mill suggests that our lawmakers and enforcers have duties to protect animals from being treated cruelly or violently by humans. Humans also have responsibilities not to be violent or cruel to non-human animals, or to other human beings.

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<sup>60</sup> Ibid, 85.

<sup>61</sup> Ibid, 86.

<sup>62</sup> Ibid, 85-6.

#### 1.4 *We May Use Non-Human Animals*

Utilitarian Henry Sidgwick argues that we may use animals as tools when it maximizes utility, though he draws a distinction between using “tame” (or domesticated) animals and “wild” animals. Like Kant, Sidgwick argues that when a human produces “tame” animals, or those animals feed off his land or crops, “the appropriation to him of the progeny of the animals is justified.”<sup>63</sup> Notably, slave states had similar laws regarding humans who were the lawful property of other people. Sidgwick puts different restrictions on the appropriation of “wild” animals, but still claims that if those animals are alive “due to the labor and care of the landowner or his employees,” they belong to that landowner exclusively (meaning no other humans can claim ownership).<sup>64</sup> Even if the land was not initially owned or worked by a human, Sidgwick justifies appropriation of the wild animals living on it if it would “materially increase the utility obtainable from such land.” In this category, Sidgwick places hunting for pleasure, as well as agricultural use. Sidgwick does not state explicitly that the hunting produces more pleasure than does allowing the wild animals to live freely or in captivity. Instead, he explains how one human can claim ownership of those animals instead of another human. In other words, he is not concerned with the ethics of capturing or killing wild animals, but rather with clearly establishing just practices for individual appropriation of land versus keeping land reserved for communal use. In this way, he limits the aim of utilitarianism to the maximization of human interests.

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<sup>63</sup> Henry Sidgwick, *The Elements of Politics*, (London: Macmillan, 1891), 70-2, in “Animals as Utilities,” *Animal Rights: A Historical Anthology*, ed. Paul A.B. Clarke and Andrew Linzey, (NY: Columbia University Press, 2005), 87.

<sup>64</sup> *Ibid.*, 87-8.



Bentham argues that it is morally acceptable to use non-human animals—even if it causes them to suffer—when doing so “has a determinate object, beneficial to mankind, accompanied with a fair prospect of the accomplishment of it.”<sup>65</sup> He argues against causing animals pain in any case where the action does not fit his given criteria. Specifically, Bentham justifies eating animals, and using animals for vivisection. Bentham makes these justifications according to the basic model of utilitarianism: does the action cause more pleasure than pain? In both cases, he determines that the act does. However, the premises upon which he constructs his arguments are, by today’s standards, faulty at best. His explanations leave many unanswered questions, greatest of all: is it possible to kill a sentient being painlessly?

Bentham argues that we may eat animals because “we are the better for it, and they are never the worse...The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature.”<sup>66</sup> He presumes here that non-human animals suffer less when we kill them for food than they do when they die in nature. I am skeptical that this was true when Bentham wrote it, but certainly it is not today: the cruelty suffered by farmed animals—on factory farms especially, but not exclusively—is far greater than that of any natural death, both qualitatively and quantitatively. Long gone is the food system of Bentham’s time, in which animal products comprised a small part of the average human’s diet. Our modern appetite for animals, dairy, and eggs is greater than ever before, meaning the number of animals we kill for food today exceeds anything Bentham could have anticipated. Further, most animals are no

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<sup>65</sup> Bentham, “Duty to Minimize Suffering,” 136.

<sup>66</sup> Ibid, 135.

longer slaughtered by the same people who raise them and know them as individuals. Instead, the machines and workers now charged with slaughtering are systematically desensitized to the suffering of their victims. Industrial farms claim to slaughter as efficiently as possible, and in fact, their killing machines operate at unimaginably high speeds. However, these systems often fail—animals survive stunning and throat-slitting (or whatever method of slaughter is used), and are then left to suffer through far more painful practices intended to “process” their flesh. The numbers and ways in which we kill animals today is so unlike what Bentham was accustomed to, the two processes are incomparable. Bentham says that animals “always may” suffer a speedier, and thus less painful, death in the hands of humans than in nature. How would he count the moments leading up to the creature’s slaughter? Would he not agree that farmed animals now suffer much more than just during slaughter—rather, they suffer for their entire lifetimes? Animals are, beyond doubt, the worse for our eating them. Nor are we “the better” for eating animals.

The majority of animal experiments conducted today also do not fit Bentham’s criteria. According to Singer (and many others), modern animal experimentation is a product of industry interests and outdated institutions: experiments are not conducted with “a determinate object, beneficial to mankind,” as most experiments aren’t applicable to human physiology, and so also do not have “fair prospect of accomplishment.” Because the premises upon which Bentham justifies using animals are inaccurate, it follows logically that so are his conclusions. Therefore, we are not morally justified in using animals for food and vivisection.

## **2. Contemporary Utilitarians on Animal Rights**

Contemporary utilitarian Peter Singer agrees with Bentham and Mill that pain is bad in itself, and thus it should be prevented or minimized when possible, whether or not the being experiencing it is human. Singer also agrees that a being's capacity to experience pain and suffering is the relevant criterion for moral standing.

### *2.1 Singer's Principle of Equal Consideration and its Applications*

Singer requires we give equal consideration to humans and sentient non-human beings alike. Critics argue that by giving "equal consideration" to the interests of humans and animals, Singer advocates treating animals and humans equally. This objection is similar to the one Dr. Whehell brought against Bentham. Singer refutes this claim: he states that we need not treat humans and non-human animals equally, for they are not equal beings. It would be irrational, for instance, to extend the right to freedom of speech to non-human animals, because they have no interest (or perhaps even capacity) to speak out in the same way that humans do. I want to stress that they are able to communicate, and certainly have interests in communicating, but they do not require political protection of free speech like we do. Offering equal moral consideration to humans and non-human animals alike is not the same thing as treating them equally. Singer writes, "There are obviously important differences between humans and other animals, and these differences must give rise to some differences in the rights that each have....[this] is no barrier to the case for extending the basic principle of equality to nonhuman animals."<sup>67</sup> Singer makes a comparison to extending human rights to different groups of humans: men and women are anatomically different, people have different levels of intelligence, and individuals all have their own strengths and weaknesses. Each human is unique, and thus by definition, not equal to any

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<sup>67</sup> Singer, *Animal Liberation*, 2.

other human. “If the demand for equality were based on the actual equality of all human beings, we would have to stop demanding equality,”<sup>68</sup> he reasons.

This possible criticism of Singer boils down to the issue of clearly defining the terms and ideas about which we are speaking when we talk about rights. So what does it mean to demand equality for some, or all, beings? It means demanding equal moral consideration.

## 2.2 *Marginal Cases Arguments*

Singer invokes the marginal cases argument in any case where we justify animal exploitation. Singer says that we may use animals, even for vivisection, so long as doing so maximizes pleasure and minimizes pain. However, he requires that if we are comfortable sacrificing the interests of some non-human animal for the interests of another, we must allow that it would be just as justified to use an infant or disabled person in the same way.

## 3. **Objections to Utilitarianism**

Mill writes, “Granted that any practice causes more pain to animals than it gives pleasure to man; is that practice moral or immoral? And if, [human beings] do not with one voice answer ‘immoral,’ let the morality of the principle of utility be forever condemned.”<sup>69</sup> I cannot imagine how one might argue that the pleasure enjoyed by a person eating a steak is greater than the pain suffered by a factory farmed cow. However, this does not deter the majority of Americans responsible for consuming products from the ten billion animals raised in this country every year. And animal agriculture is not the only culprit: many other industries treat animals equally cruelly

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<sup>68</sup> Ibid, 3.

<sup>69</sup> Mill, “Duties to Animals are Direct,” 140.

for our entertainment, or our fashion. Unless humans are ignorant to these offenses, which is increasingly unlikely as information about these issues becomes more widely available every day, the principle of utility has failed to protect non-human animals.

Further, Singer acknowledges that utilitarians propose a “similar requirement that works to give everyone’s interests equal consideration—although these writers generally cannot agree on how this requirement is best formulated” (Singer, 5). So, utilitarians disagree about how to formulate the principle of utility, and about who counts under utilitarian theories of justice. Thus there are two fundamental disagreements within the utilitarian school of thought. Such drastic inconsistencies make it impractical—even impossible—to use utilitarian philosophy to answer the question of animal rights.

### *3.1 The Vivisection Problem*

Even Singer, considered by many to be the greatest defender of animal rights, does not object wholly to vivisection. Rather he argues that the majority of animal testing that takes place, does so wrongly for the following reasons: (1) comparable tests have already been conducted, therefore we need not duplicate tests, because doing so causes unnecessary pain and suffering and wastes resources; (2) we test products that we do not need, because we have alternatives available; (3) we conduct certain tests knowing that they will not translate to us—testing some product on a cat, for example, doesn’t tell us anything about how humans will react to that same product; (4) the animal testing industry is driven by the financial and professional interests of suppliers and researchers, not for the sake of knowledge; (5) finally, animal testing continues as accepted standard practice, and those perpetuating it do not even consider the ethical implications. However, Singer concedes that when it is possible to save more lives than you take,

and there is no other way to save those lives, vivisection is justifiable. He defends, “it will not do to say ‘Never!’...[because] in extreme cases, such absolutist answers break down” (AL, 85). He offers the following example: torture of human beings is usually wrong, but it is not *always* wrong, such as when it is used as a last resort to get life-saving answers from a terrorist.

I object to this position for several reasons, but first I will address the example he gives regarding the acceptable torture of terrorists. The torture involved in interrogating terrorists, however brutally, in order to save innocent lives is not the same thing as torturing animals during vivisection. The animals used for vivisection are not dangerous criminals who intend to harm or threaten others. Unlike terrorists, animals used for testing end up in cells because they have the bad fortune to be bred, born, and sold for vivisection. Therefore, vivisection involves harming innocent beings to benefit some other beings. Torturous interrogation tactics involve harming guilty persons to benefit some other beings.

As I interpret Singer, he only allows for animal testing as a last resort, and only when it will have a significant positive impact. For instance, imagine there is some disease killing many humans. Imagine we do not yet know much about this disease, and we have never gained any knowledge about this disease by testing on animals. Imagine there is some group of qualified scientists propose some vivisection, which will certainly give us critical, applicable, life-saving knowledge. Imagine that we can only cure this disease by testing upon some number of animals smaller than the number of beings affected by this disease. Imagine that this test will cause great suffering to some of the test subjects, and kill some. In this case, I believe Singer would agree that vivisection is here justifiable—perhaps even necessary.

Now, let us consider an objection to vivisection even in this extreme a case. Isn’t there a

difference between choosing not to intervene when some natural phenomenon—one that is not caused by the actions of another being—is killing or harming an individual, and choosing to *take* the life of an individual? For instance, consider a situation: someone is dying of an illness, and you are the only person in the world who knows the cure to this illness. The only way to cure it is to kill some other person, in order to extract a combination of enzymes and DNA from his cells. You have no relationship to either individual, and you are not a doctor so you have never taken an oath obligating you to treat any sick people. Assume that all persons involved in such a situation are innocent, meaning one is responsible for bringing about this situation. Now, you have two options: (1) you can choose not to intervene, or (2) you can choose to sacrifice person B in order to cure person A. The former action is passive while the latter is active. Of course, if you could intervene without harming any individual (including yourself), you likely should and you may have a moral imperative to do so. However, if by intervening you must choose to sacrifice the interests of one individual to help another, are you still justified in doing so? It seems far less clear.

Okay, so at least there is some doubt that it is acceptable to sacrifice the interests of one being to help another, when both parties are innocent. What about when one of the parties is not innocent? For example, when an armed robber breaks into a home and threatens the family who lives there, the family members are justified in protecting themselves, even if they have to kill the robber to do so.

Today, most of our chronic and fatal health problems including obesity, heart disease, type 2 diabetes, some kinds of cancer, osteoporosis, emphysema, liver disease, and more are self-induced. Many of these can be prevented or even reversed by following a plant-based, whole

foods diet. In other words, several of our deadliest health problems come from eating animals and animal products—products of animal exploitation and cruelty. Therefore, we are guilty for harming the animals during the production of our food, guilty of making ourselves sick by indulging in foods that cause illness, and guilty for harming animals in vivisection. How, then, can we justify sacrificing the interests of innocent beings for our own interest, when we may not be innocent? The answer is we cannot.

### 3.2 *The Killing Question*

Bentham argues that killing animals is not inherently bad, because they do us harm but they are “not the worse for being dead.”<sup>70</sup> This position seems at odds with his claim that we must give equal consideration to the interests of non-human animals and humans. Does he believe, then, that non-human animals do not have interests in living—only in avoiding suffering? If so, would he say the same of humans? To do so for either party would be odd: if we have no interest in living, why do we naturally run from or fight against threats? Do we not eat to survive, as well as for pleasure? Any basic study of animal behavior—human or non-human—reveals that we primarily and fundamentally act to survive; even those who argue that survival is an instinct should agree that possessing such an instinct reflects that we have interests in surviving.

Singer does not say if killing is inherently immoral. Specifically, he says the question of whether or not painlessly killing another sentient being is immoral is outside the scope of *Animal Liberation*’s consideration, and that answering it is unnecessary for his purposes.<sup>71</sup> I object to this

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<sup>70</sup> Bentham, “Duty to Minimize Suffering,” 135.

<sup>71</sup> Singer, *Animal Liberation*, 21.



answer, because as he demonstrates in his descriptions of vivisection/agricultural cruelty, there is no way to kill painlessly. Even if the animal had no expectation and thus no fear of dying, and experienced no physical pain, to kill an animal is to deny his interest in living and to deny his relationships with other beings, which causes suffering. Many species of non-human animals maintain relationships with family and friends, and they grieve losses intensely. Most simply, the very essence of what makes a sentient being a sentient being is his life and his capacity to suffer; killing him denies him of both. However, there are different standards in cases of euthanasia, physician-assisted suicide and abortion in cases where the life of the mother is threatened—not because killing is not (or is less) immoral, but because the alternative is *more* immoral.

### 3.3 *Utilitarianism Does Not Conclusively Answer the Animal Rights Question*

None of the utilitarian theories explored here give a sufficient or comprehensive defense of inherent animal rights. At best, utilitarianism promotes animal welfare.

#### IV. Speciesism and Social Change

Singer defines speciesism as “a prejudice or attitude of bias in favor of the interests of members of one’s own species and against those of members of other species.”<sup>72</sup> Whether or not we realize it, many—if not all—human beings exhibit this bias, and allow it to guide their interactions with and use of non-human animals. It is no coincidence that the term “speciesism” is formed in the same way as are the terms “racism,” “sexism,” and “anti-semitism.” The prefixes of these words describe the conditions upon which the biases rest, be it race, sex, religion or species, and the suffix “-ism” designates that the full word represents an ideology. Just as the words are formed in the same way, the ideologies of prejudice that they name are similarly constructed.

Though now we recognize that racism, sexism, and anti-semitism are immoral, once we did not—partially because these beliefs operate subconsciously, and our social norms, institutions, and laws continuously reinforce them until enough objectors fight for change. These prejudices are like speciesism in form and function, and so it is worthwhile to compare these ideologies and the resulting atrocities (specifically, racial slavery, institutional oppression of women, and the Holocaust) with speciesism and its consequences in order to better understand the moral implications of our treatment of animals. In this way, we can realize (1) that we are exploiting non-human animals on an unprecedented scale, and (2) that because we continue exploiting animals even as we study how wrong slavery and the Holocaust were, we have not yet solved the underlying issues in our thinking and practices that allow mass, systematic violence and oppression to happen; until we do, the violence is bound to continue. Many object to these

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<sup>72</sup> Singer, *Animal Liberation*, 6.

comparisons on the grounds that we cannot rightly compare the experiences of humans to those of non-human animals. However, as we examine these objections we will recognize that the logic of the objectors is flawed and consistent with the justifications of past oppressors, including slaveowners and Nazis. That we have yet to reach a consensus about the wrongness of speciesism and our responsibilities to eliminate our prejudices shows that we do not yet fully recognize or understand speciesism. Therefore, by studying past atrocities we can identify similarities in our rhetoric and exploitation of animals, which will help us to become aware of the many and urgent problems with speciesism.

Before we can evaluate positions on animal rights, or develop a consistent, sufficient position if one does not yet exist, we have to understand the scope and foundations of speciesism. Speciesism is so heavily indoctrinated and institutionalized, it has become invisible to us even though it permeates every aspect of our lives, and causes billions of animals to be killed every year in the United States alone. Therefore in order to eliminate it, we must first make it visible. In order to know from where our information about animal industries comes, it is useful to ask: who benefits from speciesism? Certainly the animals do not benefit, despite paternalistic animal industry arguments to the contrary. In light of the mounting evidence that vivisection fails to produce any useful, critical knowledge about human health, eating animals and animal products is unhealthy, and animal agriculture is the leading cause of climate change, deforestation, world hunger, and a whole host of other issues, the consumers driving the animal industries do not benefit either. Therefore, the individuals who profit financially and professionally benefit exclusively. This is not a condemnation of capitalism, but rather of willful ignorance, outdated and unquestioned traditions, and unethical laws. Indeed, capitalism should

prove to be a great and useful tool in dismantling speciesism and institutionalized animal exploitation, because in a free market, presumably, the consumer demand should drive production. In other words, if and when the consumers realize that speciesism is wrong and start actively objecting to animal exploitation, they will be able to eradicate factory farms by shifting the consumer demand to more sustainable, healthy, and cruelty-free alternatives.

In what follows, I will describe for how long speciesism has affected human choices and why the length of its history matters, show how it is like racism, sexism, and anti-semitism, explain how it operates in our culture, politics and economy, and finally conclude that it is absolutely wrong, illogical, and unethical.

## **1. Our Speciesist History**

Speciesism has existed for as long as we have interacted with non-human animals. Peter Singer argues that speciesism began with the religious idea that God created us in “His image” and thus set us apart from non-human animals, which he’d created for our use.<sup>73</sup> Charles Patterson agrees that speciesism has religious roots, and irrevocably shaped our treatment of animals over eleven-thousand years ago when we began domesticating (according to Patterson, the term “domestication” is a euphemism for “exploitation”) animals. He writes: “Once animals were ‘domesticated,’ herdsman and farmers adopted mechanisms of detachment, rationalization, denial and euphemism to distance themselves emotionally from their captives.”<sup>74</sup> The historical foundations and duration of speciesism’s influence contributes to its persistence in our actions

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<sup>73</sup> Singer, *Animal Liberation*, 206.

<sup>74</sup> Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust*, (New York: Lantern Books, 2002), 11.

and norms. Although the methods through which we subjugate non-human animals are thousands of years old, our treatment of animals continues to worsen. By now this claim is well-supported, albeit counterintuitive. One would think that as our treatment of human beings has improved along with our understanding and respect for individual rights, so too would our treatment of animals. However, our appetites for animals and animal products continue to grow as the world's human population does, and each new year brings more animal suffering than the one before it.

## **2. The Dreaded Comparisons: Speciesism, Racism, Anti-Semitism, and Atrocity**

### *2.1 Common Ideological Form and Function*

Jeremy Bentham questions: where and how do we draw the line between the beings who have full moral status and those who do not?<sup>75</sup> Once, we drew this line between white and non-white human beings—finding the former worthy of moral consideration, and the latter not. Still, many argue in favor of drawing this line between humans and non-human animals. Bentham identifies the ideological parallels between racism as it perpetuated the institution of slavery, and speciesism as it perpetuates animal exploitation. The law influences the treatment of those under its authority, and according to Bentham, slaves and non-human animals “have been treated by the law exactly upon the same footing.”<sup>76</sup> He laments, “[non-human] animals, which on account of their interests having been neglected by the insensibility of the ancient jurists, stand degraded into the class of things.”<sup>77</sup> Here Bentham recognizes that by legally classifying non-human

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<sup>75</sup> Jeremy Bentham, "Duty to Minimize Suffering." Ch. 3.14, In *Animal Rights: A Historical Anthology*, edited by Clarke, Paul A. B. and Andrew Linzey, (New York: Columbia University Press, 2005), 135.

<sup>76</sup> Bentham, "Duty to Minimize Suffering," 135.

<sup>77</sup> *Ibid.*, 135.

animals as “things,” we perpetuate the speciesist prejudice that because other animals are not human, they are lesser. In this way, humans use non-human animals without much regard for their sentience. In other words, though we know that non-human animals are sentient and “susceptible of happiness,”<sup>78</sup> we willfully avoid that knowledge when we eat them or wear their skins in order to ease our guilt. We are able to do this in part because animals are legally classified as property, and so humans are not held legally responsible for exploiting non-human animals. Bentham writes: “The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized that the number of legs, the villosity of the skin...are reasons equally insufficient.”<sup>79</sup> Just as we realized that a being’s race is not a legitimate indicator of his moral status, Bentham predicts that someday we may realize that a being’s species does not determine his moral status either.

In clarifying that it was the French who first recognized that race should not be the condition for moral standing, Bentham acknowledges that this idea was not held universally. The United States maintained their institution of slavery at that time, as did other countries. This discrepancy makes clear that national beliefs about who counts morally may differ, even when morality makes no such distinctions. Therefore, it is all the more imperative that we establish an unbiased account of morality, and apply it based upon legitimate moral claims, rather than according to public opinion or current laws.

John Stuart Mill defends Bentham’s claims that we have an equal responsibility to

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<sup>78</sup> Ibid., 135.

<sup>79</sup> Ibid., 135.

consider the interests of other humans and non-human animals against the criticisms of a man called Dr. Whewell. Mill brings the argument back to the relationship between human slavery and animal cruelty and exploitation. He states, “it is ‘to most persons’ in the Slave States of America not a tolerable doctrine that we may sacrifice any portion of the happiness of white men for the sake of a greater amount of happiness to black men...according to the standard of Dr. Whewell, the slavemasters...were right.”<sup>80</sup> He reaffirms that our understanding of morality changes depending upon our times and places in the world. Thus, human reason is fallible and we cannot be trusted to act morally always and consistently—especially when our surroundings influence our senses of morality. Does this mean that we have no hope of understanding morality, or acting morally? I do not think so. But it does suggest that moral understanding requires independent thinking, and that we cannot rely absolutely upon social norms for moral guidance.

Like Bentham and Mill, Singer draws parallels between the arguments once used by white, land-owning males for not extending rights to non-whites and women. After all, he says, the term “brutes” has been applied to animals, women, and non-whites alike in order to suggest that they are not rational or sophisticated enough to have rights to their own lives. Further, in order to understand why speciesism is not a justification for denying certain beings moral consideration, we must understand why sexism and racism are illegitimate. He argues, “from the mere fact that a person is black or a woman we cannot infer anything about that person’s intellectual or moral capacities.”<sup>81</sup> By this he means that an individual’s physicality does not demonstrate his intelligence or moral status. By extension, Singer argues that just as all women

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<sup>80</sup> John Stuart Mill, “Duties to Animals are Direct,” Ch. 3.15 in *Animal Rights: A Historical Anthology*, edited by Paul A.B. Clarke and Andrew Linzey, (New York: Columbia University Press, 2005), #.

<sup>81</sup> Singer, *Animal Liberation*, 5.

are different from one another, all non-human animals, even members of the same species, are unique also. When two women have different levels of intelligence (as is usually the case for different individuals), it is clear that their being women does not determine their intelligence—it comes from something else. Similar examples can show that neither race nor species consistently determines intelligence; every individual is different from his peers. Singer asserts, “The principle of the equality of human beings is not a description of an alleged actual equality among humans: it is a prescription of how we should treat human beings.”<sup>82</sup> In other words, as we currently recognize human rights, we do not require humans to have equal abilities in order to receive equal moral consideration. For the purpose of determining moral value, it does not matter if one person is less intelligent than another—they are equally worthy of moral consideration. In the same way, it does not matter if a chicken is less intelligent than a human being—they are equally worthy of moral consideration, too. Therefore, the objection against giving moral consideration to non-human animals because their moral and intellectual capacities are different from ours (which is not always the case) is illegitimate.

Singer is adept at anticipating and responding to his critics. He predicts that a critic may object here by saying that while individuals all have different levels of intelligence, those who have IQs below a certain number have less moral value than more intelligent beings. However, this still makes IQ—not gender, race or species—the qualification for moral consideration. So even under such a system, sexism, racism and speciesism are illegitimate. Further, Singer argues, an egalitarian society constructed upon this principle would not be more moral than one based upon race or gender. So then what is the standard? Bentham, Mill, Singer and others come to

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<sup>82</sup> Ibid., 3.



reason that sentence is the criterion—an idea that I will analyze further in coming sections.

## 2.2 *Common Elements in Atrocities Based in Ideological Prejudices*

Speciesism, racism, anti-semitism, sexism and other ideological prejudices make atrocities possible by helping the perpetrators to deny the moral implications of their actions. By using language and euphemisms to degrade their victims, leaders of atrocities convince otherwise “ordinary men”<sup>83</sup> to engage in brutal violence, oppression and exploitation by representing their victims as dangerous “vermin” to be exterminated.

In all systems of oppression and exploitation, from Nazi Germany, to South African Apartheid, to modern U.S. factory farms, cruelty is standard. There is no way to kindly or gently oppress and exploit another; doing so requires the use of coercion and violence. For example, slaveowners disagreed about what constituted morally acceptable methods of punishment, but they all punished their slaves when they felt it was justified; whipping was the most common method. Even slaveowners who objected to using “excessive” force, conceded that without using any punishments, controlling and motivating their slaves would have been impossible. Though masters did not usually aim to be cruel—with the exception of a small but critical mass of sadists—it was an unavoidable product of the system.<sup>84</sup> The same is true on factory farms and in animal testing facilities. In *Animal Liberation*, Singer describes routine animal abuse in animal enterprises, which industry officials call “standard practice,” including castrating male piglets

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<sup>83</sup> In 1992, Historian Christopher Browning wrote *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, in which he analyzed how seemingly “ordinary” citizens willingly participated in mass murder during the Holocaust. His thesis applies to our consideration of speciesism and its consequences, as there are also admissions of horrific violence from factory farm workers and slave overseers in casual tones that suggest they did not feel like they were doing wrong.

<sup>84</sup> Kenneth M. Stampp, “To Make Them Stand in Fear” and “A Troublesome Property.” Excerpts from *The Peculiar Institution: Slavery in the Ante-Bellum South*, (New York: Alfred A. Knopf, 1956).

without anesthesia, disposing of the male chicks for whom the egg industry has no use by grinding them up alive, regular failure of stunning machines, leaving animals fully conscious through slaughter, and more.<sup>85</sup>

### 2.3 *Human and Animal Slavery*

We use non-human animals just as we once used human slaves. They legally count as property, as slaves did until Congress enacted the Thirteenth, Fourteenth and Fifteenth Constitutional Amendments, and, with the exception of the few species protected under anti-cruelty statutes, non-human animals have nearly no legal recourse from abuse. We treat non-human animals like commodities for our use and profit, rather than as the sentient individuals they are; the same was true for human slaves.

Historian E. Franklin Frazier cites a black minister's reflection on the slave experience: "for the slave death was an ever-present and compelling fact 'because of the cheapness with which his life was regarded. The slave was a tool, a thing, a utility, a commodity, but he was not a person. He was faced constantly with the imminent threat of death.'"<sup>86</sup> We use non-human animals in the same way (as tools, things, utilities, commodities) to the same end, meaning death is "ever-present" for exploited animals too. But what does that mean to a non-human animal? For animals bred for use in fashion, food, and sometimes research, it means that they are produced to die, so that we may use their body parts, or study how long it takes for a chemical to kill them. Are these animals aware that we have brought them into existence for this purpose? Many would say no, but I think it is far more correct to say we do not know yet. However, there is evidence to

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<sup>85</sup> Singer, *Animal Liberation*, 25-183.

<sup>86</sup> E. Franklin Frazier, "The Religion of Slaves," *The Negro Church in America*, 14.

suggest that they feel the presence of death throughout their lives in cages and feedlots, as they witness their children and peers disappear—and often watch them be killed.

Activist artist Sue Coe has been visiting slaughterhouses to draw what goes on inside since she was a young girl. During her visit to the College of William and Mary in October of 2015, she explained to us that she is able to witness more on farms than most, because farmers do not feel threatened by her medium of representation; they do not think she documents anything incriminating sketching with paper and pencil, as, say, an activist might be able to do with a camera. Coe described one occasion when she watched a butcher slaughter goats inside of their enclosure as the goats with whom they lived (and had familial and social relationships) witnessed.<sup>87</sup> The goats watching all frantically ran into the corner screaming, and began to climb on top of each other to get as far away from the butcher's knife as possible.<sup>88</sup> In other accounts, factory farm workers have described how animals in line to be slaughtered try to escape as soon as they smell the blood or hear the cries of those being killed before them. So while the experiences of farmed (for food or other industries) animals may vary from case to case, clearly some feel the ever-present death that Frazier describes, as a result of the “cheapness” of their lives.

Slaveowners made paternalistic arguments in order to maintain and justify the institutions of slavery;<sup>89</sup> we make similar arguments that non-human animals “need” to be under our dominion, and thus our use of those animals is justified. Oppressors convince themselves and the

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<sup>87</sup> Sue Coe, “Animal Farm: Art, Activism, and Factory Farming,” Presentation at the College of William & Mary, Williamsburg, VA, Oct. 15, 2015.

<sup>88</sup> See Appendix A for Coe's artistic representation of this event entitled “Selection for Slaughter,” 1991.

<sup>89</sup> Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made*, (1974).

public that their oppression of a particular group (for instance, Africans or non-human animals) is justified because those beings are “savage,” “unsophisticated,” and “incapable of self-rule,” and so oppressors are fulfilling their “duty” to take care of those beings who, they claim, would not otherwise survive. In this way, they deflect their own interests in oppressing some other beings by arguing that those beings benefit from the oppression, or could not survive without the control of their oppressors.

Despite the complaints of some civil rights groups, there are legitimate reasons for describing the ways in which we use animals as a form of slavery; the passage above gives only one example of how the experiences of human slaves relate to the those of farmed animals, though there are many more. As Bentham, Mill, and Singer point out, our laws and beliefs also contribute to the oppression of these two groups in similar ways. Additionally, the oppressors use like language to devalue non-whites and non-human animals.

#### 2.4 “Never Again:” *Speciesism, Anti-Semitism, and Mass Killing*

“What do they know—all those scholars, all those philosophers, all the leaders of the world...They have convinced themselves that man, the worst transgressor of all the species, is the crown of creation. All other creatures were created merely to provide him with food, pelts, to be tormented, exterminated. In relation to them, all people are Nazis; for the animals it is an eternal Treblinka.”

- Isaac Bashevis Singer<sup>90</sup>

Since the end of World War II, when the public started to become aware of the realities of the Holocaust, animal rights advocates began comparing our treatment of animals with the Nazis’ treatment of Jews, Romani, homosexuals, Catholics, and others. There are many similarities between the Holocaust and our treatment of non-human animals—especially in the images and

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<sup>90</sup> Isaac Bashevis Singer, “The Letter Writer,” *The Seance and Other Stories* (1968) in *Collected Stories: Gimpel the Fool to The Letter Writer*, ed. Ilan Stavans, (New York: The Library of American, 2004), 750.

language used to perpetuate, document, and remember the two events. But the similarities extend beyond how we represent these atrocities. For instance, Hitler modeled the processes of his “final solution,” including concentration and death camps, after slaughterhouses in the United States. The systems through which the Nazis operated are the same kinds of systems through which we continue to maintain our animal industries, and so the rows of warehouses in concentration camps look like the rows of warehouses containing thousands of animals on factory farms. More nuanced are the similarities between how Nazis and animal abusers (including factory farmers and animal researchers) emotionally distance themselves from their victims, as are the widespread ontological and teleological justifications for the abuse.

Unsurprisingly, this comparison is highly controversial; people take offense at the suggestion that the experiences of animals used for food, fashion, entertainment, and research are anything like the experiences of Holocaust victims. They question, for example: how could the experience of a young, Jewish woman, torn from her family by the Nazis and forced to work in a concentration camp until she dies of exhaustion or in a gas chamber, possibly compare to the experience of a factory farmed egg-laying hen, who is also forced to work until her death or slaughter? In fact, based upon our education about the Holocaust and other genocides versus our lack of education about how animals suffer regularly in our established practices, making such a comparison does seem odd—even uncomfortable. Specifically, there are four primary kinds of objections to this comparison: (1) some, including other atrocity survivors or social justice activists, are instinctively offended, without being able to communicate exactly *why*; if we look at the basis of this objection to determine how it comes about, we find that our speciesist biases are responsible for producing it, (2) some argue that the comparison is inappropriate because

humans and non-human animals have different moral values, and therefore it is less wrong to abuse, exploit, or kill an animal than a human; (3) similarly, some argue against the comparison because there is a moral difference between “murder” or “genocide” and “slaughter,” though this objection seems to rely upon a distinction in terminology that does not actually translate to a difference in action, and finally (4) though there are some similarities between the atrocities that give “prima facie legitimacy” to the comparison, the Holocaust was “different in kind” from animal exploitation. That many find this comparison so unsettling—despite obvious similarities—reveals to us the magnitude of our speciesism. For these reasons, it is critical not only to make the comparison between the Shoah and the animal holocaust, but also to respond to its objectors. In what follows, I will review how scholars and activists including Charles Patterson, Karen Davis, Alex Hershaft, J.M. Coetzee, and Timothy Costelloe respond to these objections, and assess the strengths and weaknesses of their arguments.

In her essay entitled “A Tale of Two Holocausts,” Karen Davis, PhD, Founder and President of United Poultry Concerns, explains that it is not uncommon for victims of atrocities to feel offended by the comparison of their experience with another’s, especially if that other is a non-human animal. However, victims of genocide even object to the comparison of the genocide they experienced with another genocide. Davis attributes this reaction to fear; victims fear that if others have experienced atrocities like they have, their own suffering is less unique, and thus less significant or extreme.<sup>91</sup> This feeling is understandable: if I experience something unimaginably horrible, how can I imagine another group of individuals experiencing the same thing? If I can imagine it, then certainly my suffering could not be “unimaginable.” Humans, even highly self-

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<sup>91</sup> Karen Davis, “A Tale of Two Holocausts,” *Animal Liberation Philosophy and Policy Journal*, Vol. II, Issue 2, (2004), 1-20.

aware humans, have weaknesses for exceptionalism. Let us consider, for instance, how our nation remembers and represents its collective history: Americans believe that America is exceptionally more sophisticated and benevolent than other countries, and so we deny any and all wrongdoing. We have no problem, however, criticizing the wrongdoings of other nations, which in turn reinforces our belief that we are exceptionally good while others are bad. When we engage in exceptionalism at the individual level, we perpetuate the feeling that no one else's pain can match our own.

Davis responds to this concern in a way that affirms the victim's need to feel validated, while also maintaining the legitimacy of making comparisons. She writes: "One group's experience with suffering is unique, but not in such a way that it precludes comparisons or analogies with the suffering of other groups."<sup>92</sup> She also draws a distinction between comparing treatment and comparing experience; we can compare the treatment of two different groups by their oppressors, without valuing one group's experience more than the others. This means that we need not count one individual's suffering as greater or lesser than another's to recognize that both are regrettable, horrible, and unjust. However, Davis asserts that *if* we had to characterize one group's suffering as greater than another's, we may realize that animals suffer more from abuse than do humans, because they do not understand what is happening to them and have no recourse from the abuse (not to say Holocaust victims had recourse). I agree with this assertion, and argue that it does not debase the experiences of Holocaust victims, because the same thinking applies to the experiences of human beings: presumably, an inmate who is new to the

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<sup>92</sup> Davis, "A Tale of Two Holocausts," 1.

concentration camp suffers more during his first days' operations than a veteran, because he does not know what to expect.

Davis describes a problem that complicates our understanding of the experiences of victims of atrocities, which she calls the invisibility of mass suffering. Basically, the problem with mass suffering is that it is difficult to relate to the experiences of so many individuals at once. Davis says this phenomena is especially problematic for our study of factory farms because, as she puts it, it is difficult to be able to process or make sense of "a limitless expanse of animal suffering and horror."<sup>93</sup> The number of animals abused and killed in US animal agriculture alone every year is far higher than the sum of Holocaust victims. When considering any instance of mass suffering, it is easy to feel overwhelmed by the numbers. Therefore, I argue it is more helpful to think of mass suffering as an individual's suffering multiplied by the number of victims, rather than trying to conceive of the suffering of ten billion (the number of farmed, land animals killed for food in the United States each year) beings at once.

In his review of J.M. Coetzee's Holocaust comparison, *The Lives of Animals*, William and Mary professor of philosophy Timothy Costelloe argues that while there are many similarities between the Holocaust and modern animal exploitation, especially in the language and imagery used to perpetuate and depict the injustices, the two are fundamentally "different in kind."<sup>94</sup> The difference in kind to which he refers involves the application and adequacy of different moral standards. In other words, some humans claim that the Holocaust and animal exploitation cannot be judged by the same moral standards. This is reflected, for instance, in the

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<sup>93</sup> Ibid., 5.

<sup>94</sup> Timothy M. Costelloe, "The Invisibility of Evil: Moral Progress and the 'Animal Holocaust,'" *Philosophical Papers* 32, no. 2, (2003), p. 109-31.



statement, “Jews were ‘murdered’ after all, while animals are ‘slaughtered.’”<sup>95</sup> One objection to drawing a distinction of this kind is that the difference between saying the Jews were murdered while animals are slaughtered is only one of rhetoric; it demonstrates that speciesist tendency to use exceptional words to define human experiences and events, rather than acknowledging that they are like animal experiences. Notably, we create our own vocabulary to serve our interests in communicating. Therefore, attributing a different words to two like experiences does not make them different. In other words, the only difference between murder and slaughter is what we call each.

The Holocaust and the atrocities carried out in animal enterprises are different in kind, but not in the way Costelloe suggests. Rather, if the atrocities cannot be compared because they are different in kind, it is so because exploitation on factory farms is more morally problematic than the Holocaust. Consider: the ten billion land animals killed in U.S. food industries every year *only* know a life of suffering, and were created just so they could be exploited and destroyed to fleetingly satisfy human appetites. At least Holocaust victims had the opportunity to experience love, compassion, health, and other joys before they were slaughtered, and they were born as individuals, willingly conceived by their parents. Davis references a scholar who argues that the slaughter of Holocaust victims belonged to the Nazis, but their deaths were their own; to that I would add their births and mere existences, too, were their own. For the animals produced, raised, exploited and then slaughtered on factory farms, their births and deaths belong to the industries who gave them life just to take it away. More simply, Hitler killed and exploited millions—which is horrific enough, the magnitude of the Nazis crimes against humanity should

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<sup>95</sup> Costelloe, “The Invisibility of Evil: Moral Progress and the ‘Animal Holocaust,’” 116.

never be diminished—but he was not responsible for creating his victims. Alternately, animal enterprises create for themselves an endless supply of victims through rape and forced insemination.

For all those—but especially the Holocaust victims and their relatives—offended by the Holocaust comparison, there are Holocaust survivors whose experiences in the camps inspired them to engage in animal rights advocacy after liberation. One individual, Alex Hershaft, survived the Warsaw Ghetto as a young Jewish Polish child and founded one of the most prominent American animal rights organizations, Farm Animal Rights Movement (FARM), as an adult. After the War, Hershaft experienced survivor's guilt and searched to find some explanation for his survival; he found the purpose he sought in the animal rights movement. In the 1970s, Hershaft visited a slaughterhouse for the first time, and was instantly overcome by his Holocaust memories, because the slaughterhouse looked so like the systems of Hitler's "Final Solution." Hershaft was deeply moved by this experience, and feels a personal duty to protect and help other victims of oppression, but he also extends this responsibility to all bystanders and perpetrators of atrocities.<sup>96</sup>

The comparison between Nazis and animal abusers might be the most difficult to come to terms with, because it means that animal abusers are guilty for their actions, just as Nazis were. However, the similarities between Nazis and animal abusers are undeniable: they victim blame—Nazis and factory farm workers describe abusing their victims (perhaps by beating a concentration camp inmate with a stick, or by stabbing a pig with a knife) and explaining why

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<sup>96</sup> Alex Hershaft, "From the Warsaw Ghetto to the Fight for Animal Rights," Presentation sponsored by the Jewish Vegetarians of North America, Congregation Rodef Shalom, and the Holocaust Center of Greater Pittsburgh, (Pittsburgh, PA: Aug. 25, 2014). <<https://www.youtube.com/watch?v=18mZrDujOm0>>.

their victims deserved it (perhaps because they were not walking quickly enough); they distance themselves emotionally from their victims by de-humanizing (or de-animalizing) them, and by using euphemisms to conceal the true nature of their actions (for instance, saying that they “processed a unit,” when they mean that they killed a group of prisoners or animals); they deny their personal responsibility for the atrocity, by saying that they were just following orders. In the future, after we accept that animal exploitation is unjustifiable and change our laws to reflect this reality, we may need to indict at least the highest level of animal abusers—the executives of corporations like Tyson and Smithfield Foods, who oversaw the slaughter of billions of animals, and profited from mass animal abuse—in some kind of proceedings similar to the Nuremberg Trials.

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The form and function of speciesism is comparable to the form and function of all ideologies built upon prejudice and the oppression of certain groups, including racism, sexism, and anti-semitism. Just as we as a society have come to recognize racism, anti-semitism, and sexism as injustice, we must realize now that speciesism represents more of the same. By comparing the atrocities that come out of these ideologies, we can see how speciesism and its consequences are immoral and inconsistent with our espoused values.

### **3. Cultural, Political, and Economic Speciesism**

Singer attributes widespread participation in animal exploitation—both active participation by those who profit from animal industries, as well as passive participation by those who support those industries as consumers. Since speciesism is so thoroughly ingrained in society, Singer explains we must actively and intentionally work to resist our speciesist biases.

He instructs, “to avoid speciesism we must allow that beings who are similar in all relevant aspects have a similar right to life—and mere membership in our own biological species cannot be a morally relevant criterion for this right.”<sup>97</sup> In other words, the way to combat speciesism is through establishing a more inclusive human view of morality. By recognizing that species different from ourselves (here non-human animals, but also members of different races, sexes, religions, etc.) have interests, and thus are due moral consideration, we can change our behaviors that perpetuate speciesism, such as eating and wearing animals.

Mill argues, “nothing is more natural to human beings, nor...more universal, than to estimate the pleasures and pains of others as deserving of regard exactly in proportion to their likeness to ourselves.”<sup>98</sup> In other words, we are empathetic towards beings with whom we relate. Therefore, we are more likely to give moral consideration to those who look, think, and act like we do. If you study how governments distribute and protect rights, it is clear that they act in ways consistent with Mill’s claims. For example, when the United States was created, its government was made up of white, land-owning males, and so the Constitution originally only protected the rights of those individuals. These types of tendencies are also consistent with the actions and beliefs of speciesists, who discount the sentience of non-human animals unless they have some personal connection to the animal in question (for instance, a pet dog).

### 3.1 *The Sexual Politics of Meat: Speciesism and Sexism*

Sexism and speciesism are similar in form and function, but the relationship between the consequences of these two prejudices is different from the relationship between the

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<sup>97</sup> Singer, *Animal Liberation*, 19.

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consequences of anti-semitism, racism and speciesism. This is not to say that women have not been victim to atrocities based in sexism, but there is no single, specific atrocity that comes to mind when you think of sexism. Rather, sexism, like speciesism, is so entrenched in all cultures and societies that its legacy is more pervasive and hidden than the legacies of the Holocaust and American slavery. The use of language has proven to be a powerful tool in the oppression and exploitation of both women and animals. In her feminist-vegetarian critique, Carol Adams cites many examples of how advertisements for prostitutes and meat use the same language.

More critically, Adams asserts that our social norms perpetuate sexism and speciesism not just in the same ways, but together. For instance, Adams describes how historically during food shortages, whenever the family had meat, they reserved it for the patriarch's consumption, because it was believed that men need meat to be strong, masculine, and healthy; this practice of saving the meat for the men is still common in developing nations, and the belief upon which it is based is pervasive even today in the United States. Our culture of carnism is linked intrinsically to our beliefs about masculinity. For instance, hunting is considered a manly sport; this means that we consider believe it is manly to dominate and kill another creature. In these ways and others, speciesism and sexism are intrinsically linked.

### 3.3 *America's Speciesist Government and the Economy of Animal Exploitation*

For a class about the relationship between factory farming and climate change, I wrote a term paper titled about the government's role in animal agriculture.<sup>99</sup> In order to introduce the

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<sup>99</sup> Delaney Berman, "The American Government's Role in Animal Agriculture: How Subsidies, Lobbying, and Corruption Make Factory Farming Possible," Term paper for ENSP 249 with Professor Mark Fowler at the College of William and Mary, (Dec. 4, 2015).

topic, I cite the following as an example of how our political and economic systems perpetuate speciesism:

“The people have spoken, and we have two winners: their names are Honest and Abe. I confess that Honest looks like good eating, but this is a democracy... I want to thank the Chairman of the National Turkey Federation, Dr. Douglas, as well as farmer Joe Hedden, who personally raised this turkey.”

- President Barack Obama<sup>100</sup>

On November 25, 2015, President Obama stood on the White House Lawn and introduced this year’s two national thanksgiving turkeys, Honest and Abe. During this annual ceremony, the United States president “pardons” a turkey (or two) from the fate suffered by the more than forty-five million other turkeys slaughtered for thanksgiving dinner every year.<sup>101</sup> The ceremony officially began in 1989 under President George H.W. Bush, but President Lincoln was the first to spare a turkey intended to be a holiday meal because his son didn’t want the bird killed. Since 1947, the National Turkey Federation has given two turkeys to the president as thanksgiving presents each year.<sup>102</sup> This year, the birds came from Foster Farms, a poultry agribusiness based in Modesto, California, which is certified by the American Humane Association. The company has been found in violation of the federal Clean Water Act for dumping manure-contaminated water in a California wildlife refuge, its workers have gone on strike multiple times over unfair working conditions, it sold contaminated meat causing a 2013 Salmonella outbreak that

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<sup>100</sup> “The President Pardons the National Thanksgiving Turkey 2015,” The White House, (2015).

<sup>101</sup> “Thanksgiving Turkeys: Celebrating the Living Animals,” *Huffington Post*, (Nov. 24, 2011).

<sup>102</sup> Brad Plumer, “The Turkey Pardon is America’s Dumbest Tradition,” *The Washington Post*, (Nov. 26, 2013).

left approximately two-hundred seventy-eight people sick,<sup>103</sup> and this past summer, the animal rights organization Mercy for Animals released an undercover investigation video showing employees beating, throwing, crushing and scalding turkeys alive at two separate Foster Farms facilities.<sup>104</sup> This past Thanksgiving, the President of the United States stood up and thanked the National Turkey Foundation, and Joe Hedden of Foster Farms—a company that has illegally polluted protected water, treated its workers unfairly, threatened food safety, and horrifically abused animals, despite being a certified producer of so-called humane meat.

I include this anecdote to show that animal industries and the U.S. government are completely and intrinsically linked. Without the political appointments of Big Ag (industrial agriculture) executives in exchange for for campaign contributions,<sup>105</sup> taxpayer-funded subsidies for feed crops and so called “pollution control” measures,<sup>106</sup> exemptions from the environmental standards with which other industries are made to comply, anti-cruelty statutes and food safety standards, and the government’s criminalization of dissent through measures such as the Animal

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<sup>103</sup> "Foster Farms," Wikipedia, accessed Dec. 1, 2015.

<sup>104</sup> Helen Regan. "Foster Farms Suspends Five Employees After Graphic Video Uncovers Animal Abuse," *Time Magazine*, (Jun. 17, 2015); Bala Vandhana, "Breaking! Foster Farms Worker Charged With Animal Cruelty Following MFA Investigation," Mercy For Animals Blog, (March 15, 2016).

<sup>105</sup> Eric Schlosser, "Bad Meat: Deregulation Makes Eating a High-Risk Behavior," In *The CAFO Reader: The Tragedy of Industrial Animal Factories*, edited by Daniel Imhoff, (Foundation for Deep Ecology, 2010), 208.

<sup>106</sup> Martha Noble, "Paying the Polluters: Animal Factories Feast on Taxpayer Subsidies," In *The CAFO Reader: The Tragedy of Industrial Animal Factories*, edited by Daniel Imhoff, (Berkeley, CA: Foundation for Deep Ecology, 2010), 221.

Enterprise Terrorism Act (AETA)<sup>107</sup> and ag-gag legislation,<sup>108</sup> industrial animal agriculture and vivisection would not be possible.

Speciesism remains so deeply entrenched in our social norms, values, practices, and laws, because animal enterprises are skilled at keeping the realities of animal exploitation hidden from the public. For this reason, it is imperative that the U.S. government ends its relationships with animal industries, because without the support of the government, industrial animal agriculture and animal testing would not be possible.

## 5. The Nature of Social Change

“Being an active, concerned citizen is the most important thing you can do.”

- Peter Singer<sup>109</sup>

“All great movements, it is written, go through three stages: ridicule, discussion, adoption. It is the realization of this third stage, adoption, that requires both our passion and our discipline, our hearts and our heads.”

- Tom Regan<sup>110</sup>

Who objected to slavery when it was still socially and legally institutionalized, and why? How many were active versus passive in their objections? How did some slaveowners come to realize that slavery was immoral, while others held onto their convictions that slavery was justified so hard they were willing to fight a civil war over the issue? Of the slaveowners whose

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<sup>107</sup> “The Animal Enterprise Terrorism Act (AETA)”. The Center for Constitutional Rights, (Dec. 16, 2011). <<http://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/animal-enterprise-terrorism-act-aeta>>.

<sup>108</sup> “Ag-Gag Legislation by State.” ASPCA, <<https://www.asPCA.org/animal-protection/public-policy/ag-gag-legislation-state>>; Luke Runyon, “Judge Strikes Down Idaho ‘Ag-Gag’ Law, Raising Questions for Other States,” NPR (Aug. 4, 2015). <<http://www.npr.org/sections/thesalt/2015/08/04/429345939/idaho-strikes-down-ag-gag-law-raising-questions-for-other-states>>.

<sup>109</sup> Peter Singer, “The Most Good You Can Do: How Effective Altruism Can Help End Poverty,” Presentation sponsored by Giving What We Can D.C. and Population Services International (PSI), George Washington University, Washington, D.C., (Nov. 13, 2015).

<sup>110</sup> Tom Regan, “The Case for Animal Rights,” In *In Defense of Animals*, edited by Peter Singer, (New York: Basil Blackwell, 1985), 13-26.



beliefs evolved, how many changed their behavior to make it consistent with their principles (i.e. freed their slaves)? How long did it take them to do so? In order to better understand how social change happens so that we may implement these steps when we want to cause social change, we must study the course by which people's beliefs and behaviors change. Do the catalysts for change vary from individual to individual? Certainly there is some degree of variation, however basic study of human history reveals that certain critical moments have affected change in many people at once. Some time after those groups have been campaigning for change, depending on what they seek to change, more and more people join in. Is this because it is easier to join a large movement than a tiny one? Well, it is easier to join a movement once it has already begun; its far more difficult to challenge established social norms alone, or with only a few other individuals. It has been said that in order to attract more members to the Nazi party, Hitler instructed that the first membership cards should be numbered five-hundred and up so enrollment numbers would appear higher than they actually were. The rate at which social justice movements develop increases as more people join in, because human beings feel much more comfortable supporting the same causes that their peers and loved ones support.

Tom Regan asserts, "people must change their beliefs before they change their habits. Enough people, especially those elected to public office, must believe in change—must want it—before we will have laws that protect the rights of animals."<sup>111</sup> The histories of previous social justice movements support this position. It would be strange, perhaps even impossible, to change your behaviors for moral or ideological reasons before your beliefs about what is moral have changed. As Joy argues, in order for people to change their beliefs, they first have to learn about

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<sup>111</sup> Regan, "The Case for Animal Rights," In *In Defense of Animals*, 13.

how the existing standards and practices are cruel or unjustified, and then they have to accept that those practices are immoral. For this reason, getting people to change their diets is often difficult, because in order to do so they first have to accept that their old practices were unethical, which means acknowledging and coming to terms with their role in the routine and systematic exploitation and abuse of animals raised for food.

There seems to be a tipping point at which public opinion and law can impact each other in a way that brings about social change. After a certain number of individuals' beliefs change, public opinion pressures the courts and lawmakers to at least consider changing the law to reflect a newly recognized moral standard. The subsequent change in the law in turn pressures those individuals whose beliefs have not yet changed to change their behaviors (of course, this is only true for those individuals who are concerned with following the law). For instance, as soon as there was enough public support for legalizing gay marriage, the Supreme Court changed the law to reflect this new moral standard. In turn, those citizens who disagree with gay marriage need not change their beliefs, but their actions may not violate the rights of same-sex couples to marry.

Therefore, some combination of changes in beliefs, behaviors and laws is necessary to bring about social change. Change is more likely to happen and happen quickly when it does not require a majority of people to recognize that their own actions are immoral.

#### IV. Interests, Rights, and Law

Those who argue for animal rights, such as Tom Regan, Gary Francione, and myself, argue that non-human animals, like human beings, have inherent moral value and inalienable rights. Among these are the rights to life, to liberty, and not to be harmed. Additionally, sentient beings may have specific interests which create additional and possibly unique rights. For instance, (according to the democratic tradition), all human beings have the rights to equal treatment under the law, to freedom of assembly and speech, and to vote. The same is possible for other animals. Though Regan's, Francione's and my positions vary somewhat, those who support the animal rights view disagree with contractarian and utilitarian positions for the reasons I explained in previous sections of this essay—namely, contractarian philosophies fail to represent the interests of those who cannot participate in the formulation of the contract; utilitarian philosophies ignore the inherent worth and equal rights of *individuals*, and it justifies sacrificing some individuals for the benefit of others. Regan summarizes the problem with utilitarianism well: “what has value for the utilitarian is the satisfaction of an individual's interest, not the individual whose interests they are.”<sup>112</sup> We claim that the animal rights position succeeds where these other philosophies fail: it produces a comprehensive, consistent, and sufficient view of morality, which protects both humans and animals. In other words, the animal rights view strengthens human rights as well. If *all* sentient animals have inherent moral value and inalienable rights, then necessarily, so do *all* human beings—because of course, we too are animals!

Regan claims that as an animal rights advocate, he is committed to the “total abolition of

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<sup>112</sup> Regan, “The Case for Animal Rights,” in *In Defense of Animals*, 21.

the use of animals in science; the total dissolutions of commercial animal agriculture; the total elimination of commercial and sport hunting and trapping.”<sup>113</sup> Francione and I are committed to the total abolition of non-human animals from any and all exploitation; simply, humans may not use non-human animals. The reason for this is that in using non-human animals—however cruelly or humanely—we undervalue the inherent moral worth of animal lives and violate their inalienable rights. However we pose them, the implications of our theories are undeniably monumental and life-changing. The institution of animal exploitation, which has persisted since the domestication of animals, is immoral and unjustifiable, and humans are morally obligated to dismantle it completely and forever. Though this process will be extremely difficult and lengthy, it is necessary for moral society.

In what follows, I will very briefly outline Regan’s and Francione’s key points (because their fundamental arguments are equivalent to mine), before giving my view, which is called the quality of life view.

### **1. Regan’s Rights View**

Regan asserts that in order to prevent atrocities such as slavery and the Holocaust, “We must believe that all who have inherent value have it equally, regardless of their sex, race, religion...,” or other individual characteristics. *All* individuals have inherent value—this means that both their lives and their physical persons have inherent value. Race, sex, and species are not legitimate criteria for moral value, neither is intelligence or skill (such as language, the ability to swim great distances, the ability vote, etc.).

Regan asserts that what matters most to the question of animal rights are the similarities

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<sup>113</sup> Ibid., 13.

between humans and non-human animals—namely that, “We are each of us the experiencing subject of a life, a conscious creature having an individual welfare that has importance to us whatever our usefulness to others.”<sup>114</sup> In other words, “experiencing subjects of a life” are sentient beings with inherent moral value, who consequently possess inalienable, individual rights. According to Regan, to any sentient being who possess these rights, others have the duty to not harm. It follows that all forms of animal exploitation are immoral, and so animal abolition and the dissolution of animal industries and enterprises is required.<sup>115</sup>

## **2. Francione and Personhood**

The animal rights question and the nature of social change are intrinsically linked with questions about the philosophy of law; any view of animal rights necessitates consideration of how those rights do or do not translate into our laws. Gary Francione, Professor of Law and Philosophy at Rutgers University-Newark, argues that our legal classification of non-human animals as “property” rather than “persons” supports our institutions of mass animal exploitation and abuse. Only after reclassifying animals as persons instead of property—in our belief systems and in our laws—can we begin to understand why using animals is wrong. The fundamental issue is animal use, not animal treatment. In other words, it is problematic to use animals at all, and “humane treatment” does not justify doing so. Therefore, the animal welfare position<sup>116</sup> is not only insufficient, but problematic in its own right because it contributes to the perception that humans may morally use animals, so long as they are not overly cruel in doing so.

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<sup>114</sup> Regan, “The Case for Animal Rights,” 24.

<sup>115</sup> For a more thorough explanation of Regan’s position, see *The Case for Animal Rights* (2004).

<sup>116</sup> Those who maintain animal welfare positions argue for the just and humane treatment of animals, but do not oppose all animal use. Some animal advocates support animal welfarism as a step in the process of animal liberation, but Francione opposes this.

### 3. The Quality of Life View

Said most simply, my view is that we should treat others with kindness and respect. It is extremely odd—and the perfect example of speciesism at work—that we preach this very belief in the form of the golden rule to young children, and then force them to eat meat, eggs, and dairy, threatening that they won't grow up "strong and tall" if they abstain from consuming animal products. So obviously, instructing people to treat others with kindness and respect is not sufficient to guarantee moral behavior. Thus, let me be more specific:

As it stands, our cultural, political, financial, and educational institutions systematically oppress and exploit as many individuals as possible. This happens in several ways: through language, through the carrying on of "traditions," through indoctrinating children with the belief that some beings are categorically superior to others, through law, and through prejudiced ideologies. Once, the victims of this system were Africans, brought to the United States not in the name of expansion, or in search of religious freedom, but expressly for the purpose of exploitation. In Germany, officially from 1933-1948 (though unofficially, for centuries before that), the victims were Jews and anyone else who was "other" than Aryan. Today, in the United States, non-human animals make up the greatest number of victims, though women, religious minorities, and people of color continue to be oppressed in significant numbers as well. This must change, and soon. We have reached the point where there is far too much violence happening everyday that we cannot ignore it any longer. No amount of profit, nor pleasurable tastes or spectacles can justify killing billions of thinking, sentient individuals. In order for this necessary change to occur, we must collectively confront the problems of speciesism, and make our actions

consistent with the principles that we, as a nation, espouse. But first, we must make public see the atrocities they are supporting with their tax dollars and their supermarket purchases.

Any consideration of animal rights requires a basic understanding of speciesism and its consequences. As I demonstrated earlier, one method by which to bring about this understanding is to compare the relationships between speciesism and our treatment of animals with racism and slavery, anti-semitism/Nazi ideology and the Holocaust, and sexism and the oppression of women. These comparisons reveal similarities in the form and function of speciesism, racism, anti-semitism, and sexism, which reveal that because racism, sexism, and anti-semitism are wrong, speciesism is too. Our abilities to oppress and exploit other beings do not endow humans with the rights to do so. For example, I am capable of killing another individual, but that does not that I have the right to kill (except in cases of necessity, see below).

Each living, sentient being has the potential to experience different qualities of life; you, I, and my cat, as sentient beings, can experience high qualities of life, or low qualities of life. Because every sentient being is able to experience pleasure and pain, he has an interest in experiencing as much pleasure and as little pain as possible. By extension, he has an interest in experiencing the best quality of life possible. There is a spectrum of possible qualities of life, and every sentient being falls somewhere on the spectrum, depending primarily upon the following two factors: (1) the individual's innate abilities, strengths, weaknesses, and (2) how others treat the individual, and whether or not his or her rights are respected. It follows that different individuals have different interests, the fulfillment of which may improve that individual's quality of life by a little, or by a lot. Every sentient being has the right to the pursuit of the highest quality of life available to that individual, so long as he does not interfere with the equal

rights of others in doing so. He has this right precisely because he is sentient and because he has interests. Therefore, no other sentient being may deny him this right on the basis that he has a lower level of intelligence, or uses a less sophisticated method of communication, nor because he is a member of a certain species, race, or gender.

Certain factors contribute more to an individual's quality of life than others, and those kinds of factors should be prioritized. For instance, having life is much more important to an individual than deriving fleeting pleasure from eating something that tastes good. In fact, possessing the right to the pursuit of the highest quality of life possible presupposes the right to life, because unless a being possesses the right to life, he cannot possess any other rights. Therefore, the right to life is the most fundamental and thus most important right that any being can possess. In addition to life, other priority factors, which affect an individual's quality of life fundamentally include: the satisfaction of basic needs (access to food, water, shelter, and positive social interactions), bodily autonomy, and a basic level of intellectual and social freedom. By extension, every individual has the negative rights not to be killed, abused, oppressed, or exploited.

This explains why after basic needs are met, we can treat different sentient beings differently. Again, it is impossible to deny that different sentient beings have different interests, beyond the interests in living, living free from exploitation and oppression, and living with access to the basic things we need to survive (i.e., shelter, food, and water). From each individual's interests may come additional rights, which may or may not be unique to that being's kind. For example, legal US citizens who obey the laws, pay their taxes, and respect the rights of other, have the rights to some education, participation in the political process, and



freedom of speech. A deer living in the U.S. does not have these same rights, because she cannot go to school, vote, or speak out in a way that could presumably be oppressed by the government. She does have the right, however, to have her fair share of access to natural resources, meaning that humans may not encroach upon or destroy her habitat. However, before any individual can have additional rights, *the basic needs must be met first*. Meaning above all else, sentient beings have the right to a life free of abuse, interference, etc., and consequently the right to self defense.

I anticipate two objections to this position:

1. It gives moral protections to beings who may not be moral actors. For instance, lions kill gazelles—does this constitute their interference with the rights of the gazelles? If so, under the quality of life view, lions would not be able to hunt and consume gazelles.

This is where the necessity exemption comes into effect: when lions hunt and kill gazelles, they do so out of biological necessity, and so while it does interfere with the rights of gazelles, they may continue to do so. The reason behind the necessity exemption is similar to the reason justifying violence in cases of self defense. Lions are carnivores, and so they would not be able to survive if they did not hunt and eat other animals. And there can be no individual rights if those individuals are not alive. So, the lions are allowed to kill in order to keep themselves alive, provided they have no other options. If and when lions evolve past their biological carnivorous needs, it would be unethical for them to kill gazelles. However, this does not exempt all non-human animals from moral obligation. Rather, all actions that harm another sentient being that are not biologically necessary or taken in self defense are, to some degree, immoral. For instance, some highly cognitively developed animals including primates and dolphins act violently for entertainment, or pleasure, etc. (rape, murder); these actions are unethical, just as

animal exploitation is unethical. However, the proper legal or punitive responses for these actions are not completely obvious. As all sentient beings have a right to some degree of autonomy, we cannot restrict that autonomy without sure and just cause.

2. Every philosopher faces the challenge of having incomplete knowledge, because our understanding of the world around us is changing constantly. Therefore, we must try to anticipate how new information will affect our moral views. When my view is challenged in the future, critics will likely argue that I did not include enough in the scope of my moral consideration; it is highly unlikely that as our moral views evolve, this view will be considered too inclusive. In other words, there may be more we need to include in our moral view (such as trees, or rivers), but it should be difficult to challenge that at least the possession of sentience guarantees moral status. Almost always when our moral views have been flawed in the past, they have been so because the flawed views, at least superficially or perhaps more immediately, were useful. For instance, slaveowners justified slavery because it benefitted them. We need not have this concern for advocates of animals rights, because protecting the rights of non-human animals does not directly benefit the advocates. Therefore, their judgment is far less likely to be flawed logically than is the judgment of those profiting from animal exploitation. In other words, maintaining a vegan lifestyle is just as inconvenient for me as it is for everyone else—I love the taste of cheese too. It is not in my self interest to propose a view of morality that requires I give up certain luxuries I enjoy and to which I am accustomed, and so my only reason for doing it is moral necessity.

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*Appendix A*



Sue Coe, "Selection for Slaughter," 1991.